



AGENDA

Middleton Planning and Zoning Commission Meeting

Date: Monday, April 8, 2019 Time: 7:00 p.m. Location: Trolley Station, 310 Cornell St., Middleton ID

1. Call To Order - Pledge of Allegiance
2. Roll Call
3. Information Items:
4. Action Items
 - A. Consider approving minutes of the March 25, 2019 Special Meeting.
 - B. **Public Hearing:** Consider approving an application by KCRJ, LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.
 - C. **Public Hearing:** Consider approving an application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-2-3: reduce side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.
 - D. Consider approving the design for a new Clarity Credit Union building at its current location, 3 W. Main St., Middleton, Idaho.
5. Public Comments
6. Commission/Staff Comments
7. Adjourn

Posted by:


Dawn Dalton, Deputy Clerk

Date: April 5, 2019 at 1:35 p.m.



A

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION SPECIAL MINUTES
MARCH 25, 2019**

The March 25, 2019 Planning and Zoning Commission Special Meeting was called to order by Vice Chair Ray Waltemate at 7:00 p.m.

Roll Call: Commissioners Kent Brough, Whitney Springston, Vice Chair Ray Waltemate were present. Chairwoman Janet Gregory and Commissioner Jackie Hutchison were absent.

Action Items

A. Consider approving minutes of the March 25, 2019 Special Meeting.

Motion: Motion by Commissioner Brough to approve the minutes of the March 25, 2019 special meeting was seconded by Commissioner Springston and carried unanimously.

B. Consider approving a request by J&M Land LLC to approve a preliminary plat for The Crossings at Meadow Park No's 2 and 3 consisting of 85 lots on 32.7 acres. The subject property is located on the south side of Purple Sage Rd., east of Cemetery Rd., and west of Middleton Rd.

Vice Chair Waltemate called the agenda item, asked Mayor Darin Taylor to provide an Administrative Review and Report, and asked **Matt Munger**, the applicant's representative from WH Pacific, to describe the project and answer any questions that the Commissioners had. A brief Commission discussion followed.

Motion: Motion by Commissioner Springston to recommend that City Council approve the preliminary plat for The Crossings at Meadow Park Nos. 2 and 3 was seconded by Commissioner Brough and carried unanimously.

Public/Commission/Staff Comments: none.

Adjourn

Vice Chair Waltemate adjourned the meeting at 7:44 p.m.

ATTEST:

Janet Gregory, Chairwoman

Dawn M. Dalton, Deputy Clerk
Approved: April 8, 2019

B

**CITY OF MIDDLETON**

P O Box 487
 1103 W MAIN ST, MIDDLETON, ID 83644
 208-585-3193, Fax: 208-585-9601
 WWW.MIDDLETON.ID.GOV

Planning and Zoning Department**Application**

Rev: 12/13/2018

Fee Paid: \$ 375.00 3.09.19 MSApplication Accepted by: RPDate Application Accepted: 3/8/19**Applicant:**

KCRJ LLC (208) 995-5246 joeroberts27@gmail.com
 Name Phone Email
10309 Colorful Dr. Nampa, ID 83687
 Mailing Address City, State Zip

Representative:

Joe Roberts (208) 995-5246 joeroberts27@gmail.com
 Name Phone Email
10309 Colorful Dr. Nampa, ID 83687
 Mailing Address City, State Zip Code

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
☐ Rezone
☐ Vacate Right-of-Way
☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☐ Design Review
☐ Preliminary Plat
☐ Construction Plans
☐ Final Plat

PUBLIC HEARINGS **

- ☒ Special Use Permit
☐ Development Agreement
 Variance
☐ Ordinance Amendment

* Public Meetings: individuals have a right to observe at an open meeting.

** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:Site Address: 1/4 south of Middleton Rd. & Purple Sage Total Acres: 51.6Assessor's Tax Parcel No(s): R 37560612 R 37563Crossroads: Purple Sage Rd and Middleton Rd

Existing Zoning: _____ Proposed Zoning: _____

Floodplain Zone: _____ Hillside (grades exceeding 10%): _____

Joe Roberts
 Applicant's Printed Name

Date

Joe Roberts
 Applicant's Signature



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Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 375.00
Application Accepted by: RF
Date Application Accepted: 3/8/19

Checklist - A complete Planning and Zoning Application must include the following.

- ☒ **Application Form**
- ☒ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. RF Applicant Initial
- ☒ **Vicinity Map:** attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.
- ☒ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Design review materials and information (design review application only) |
| <input type="checkbox"/> | <input type="checkbox"/> Proposed preliminary plat, drainage calculations, traffic impact study |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Proposed construction drawings (construction plans application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Proposed final plat (for final plat application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Proposed development agreement |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> Worksheet (for special use permit or variance only) |

- ☒ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.
- ☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.
- ☒ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.
- ☒ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.
- ☒ **Complete Application (City use only: check box and Initial if Application is complete):** RF



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Planning Department Special Use Permit Checklist Rev: 2/11/2019

Property Owner(s): KCRJ LLC

Please answer the following questions:

1. Property Size: 51.6 acres
2. Crossroads: Middleton Rd & Purple Sage Rd
3. Future Land Use Designation: _____
4. Surrounding Land Uses: Agricultural, small farm acreages, subdivisions
5. If approved, what is the expected effect on roadways and traffic? With the large lots, the traffic is light. The new Meadows Park will take most of traffic
6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.? No

If applicable: NA

Days and hours of operation: _____

Number of employees (full-time): _____ (part-time): _____

Number of employees (living on-site): _____ (living off-site): _____

Frequency of deliveries: _____ Location of deliveries: _____

Commission Evaluation: A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 1-15-7 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future



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Planning Department Special Use Permit Checklist

Rev: 2/11/2019

neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.

Conditions of Approval: When approving a special use permit, conditions may be attached to:

- Minimize impact on other development;
- Control sequence and timing;
- Establish duration of the use;
- Assure the development is maintained properly;
- Designate the location and nature of development, including signs;
- Require the provision for on-site or off-site public facilities or services;
- Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).

Request for Modification of Requirements

To: City of Middleton Planning and Zoning Commission (Commission).

From: KCRJ LLC

Re: Request for Public Hearing with the April 8, 2019 Planning & Zoning Meeting for reconsideration of a condition of the Preliminary Plat of Valhalla Country Estates (Valhalla) as approved by the Commission on September 28, 2018.

The Developer and owner of Valhalla Country Estates is KCRJ LLC (KCRJ).

KCRJ hereby requests a public hearing before the City of Middleton Planning and Zoning Commission in conjunction with its scheduled April 2019 meeting.

The purpose is to reconsider the condition passed by the commission at the time of Preliminary Plat Approval that required the installation of sidewalks along both sides of Valhalla Street and Nordic Avenue.

We request consideration of the following:

- An exception to this requirement be granted because the average lot size is over ½ acre. Also, this requirement did not exist when this street & infrastructure was built 2007 and when KCRJ LLC took up the expensive extension of Meadow Park Street.
- If that request is not granted we request that in lieu of a detached sidewalk, a 5' wide pedestrian path be marked with a painted white line, no parking signs, and raised pavement markers, and stenciled "pedestrian only" only on:
 - The west side of the north half of Nordic Ave from the intersection of Ragnor. This would be installed before Phase 3 or 4 Final Plat were approved.
 - The north side of Valhalla from the intersection of Valkyrie to Middleton Road. This would be installed before Phase 5 Final Plat was approved.
- If none of the above are approved, we request detached sidewalk only be required on the west side of south portion of Nordic, and that conjunction with Phase 2.
- If none of the above are granted, we request that the side walks not be required until Phase 3 is constructed and recorded.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Joe Roberts". The signature is fluid and cursive, with the first name "Joe" and last name "Roberts" clearly distinguishable.

Joe Roberts, a manager of KCRJ LLC

Darin Taylor

From: joe roberts <joeroberts27@gmail.com>
Sent: Tuesday, March 19, 2019 6:43 AM
To: Darin Taylor
Subject: Supplemental Request to P & Z meeting
Attachments: Supplemental application for Middleton Road imp w Phase 2.pdf

Please consider this request. If format needs changing or additional information added, please let me know.

Joe Roberts for KCRJ LLC

8th, 2019, that:

the commission consider this request to defer requirements to install improvements to the portion of Middleton Road that is adjacent to Phase 1 to be completed in conjunction with the Middleton Road work required as part of Phase 2.

There was no discussion of widening Middleton Road when the Preliminary Plat was presented to the Commission and approved. There was discussion about turn lanes in and out between Valhalla and Middleton Road but that was rejected by the Commission. Those were rejected.

KCRJ has undertaken to reactivate a broken project that has been stopped for 11 years. Getting the 1st Phase recorded and homes being built is the key to the then extending Meadow Park Street to Middleton Road and improvements to Middleton Road. It has been an expensive and difficult project.

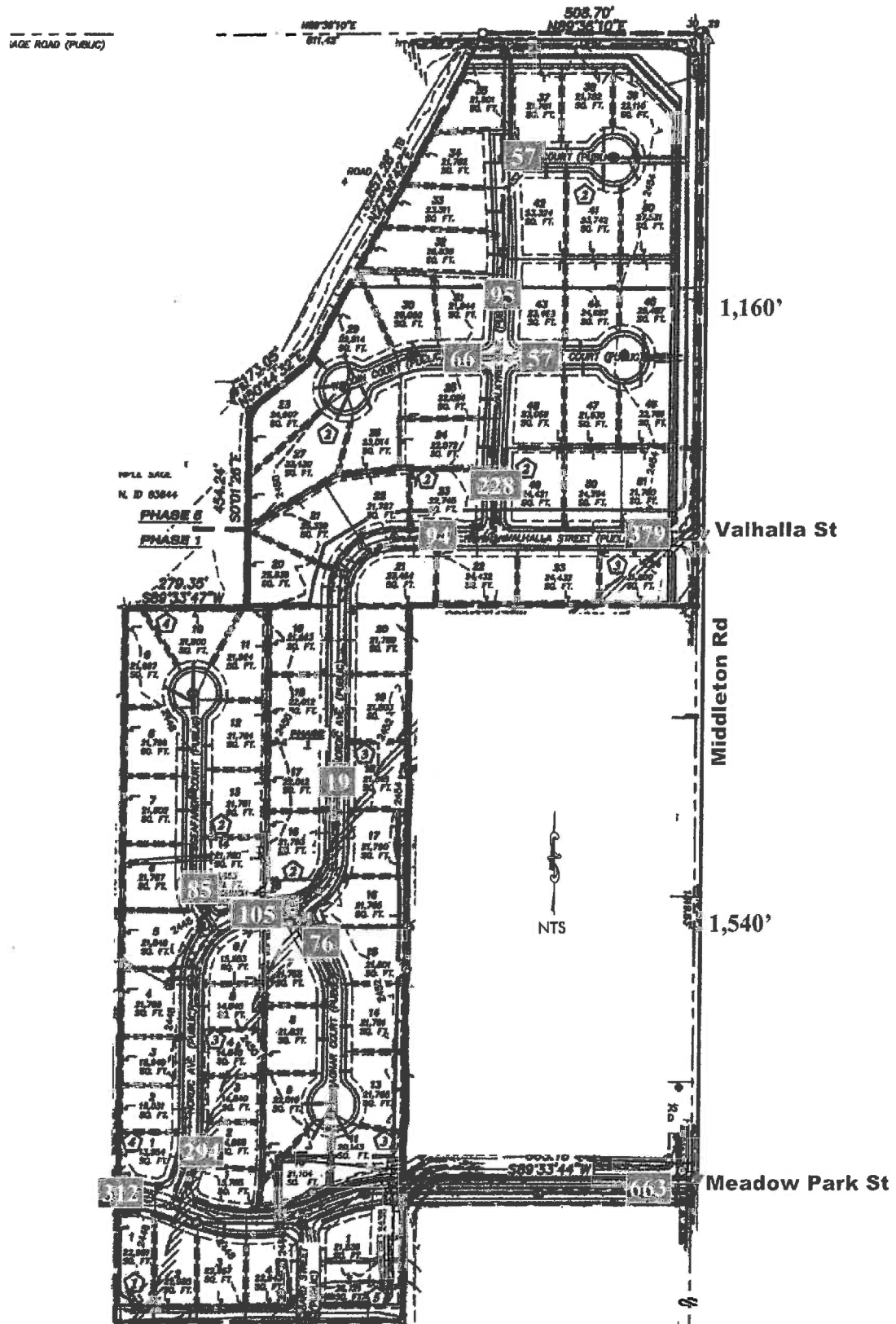
KCRJ negotiated this plan with the City Administration and Engineer. They required that the engineering for those road improvements be completed with Phase 1, but not installed until Phase 2. Since then it has been determined that we also need your approval of the plan.

We respectfully ask for your approval of this request.

A handwritten signature in black ink, appearing to read "Joe Roberts". The signature is fluid and cursive, with the first name "Joe" and last name "Roberts" clearly distinguishable.

Joe Roberts for KCRJ LLC and Valhalla Country Estates

Figure 4.4 – Build-Out Year Site Access, Circulation, and ADT



Valhalla Country Estates Public Hearing Narrative

RE: KCRJ LLC application for Request for reconsideration of the requirement of sidewalks.

Background information concerning requests for reconsideration of sidewalk requirement.

Please review the Figure 4.4 from the traffic study.

The Valhalla land had a Preliminary Plat that was approved in about 2006. Construction drawings for the First Phase were approved by the Middleton City and the following were constructed in what was then named Ponderosa Drive.

- 8" sewer line with sewer hookups to the lots
- 12" water main with services to the lots along Ponderosa.

Both these had to be approved before asphalt could have been laid.

- Stub streets for cul-de-sacs were installed
 - Swell drains were built to standards along both sides of the Ponderosa.
 - Sleeves for the utility crossing were installed
 - Ribbon curb was installed
 - Then the street was asphalted and was ready for dedication to the City.
 - Sidewalks were not required and were not installed.
- When KCRJ undertook to renew the development, we met with the city administration to work out the details of what we were up against and what would be required. Extending Meadow Park Street out to Middleton Road was very important to the City.
 - Central to our taking on the expensive obligation to extend it was a condition that the lots along Ponderosa be able to be developed as they had previously been designed and constructed as a sub-division local street without sidewalks.
 - The original design, the approved Preliminary Plat, and the construction plans did not require sidewalks. The average lot size was slightly more than .50 acre which satisfied the no sidewalk condition. There were a few lots less than .50 acre, but the average was .50+ acres.
 - When KCRJ undertook to pick-up the pieces and finish the project, we re-worked the lots throughout the un-built parts of the sub-division to make them ½ acre. We were informed that was central to the issue of not requiring sidewalks. Sidewalks had not been part of the initial approvals of design and construction.
 - There were 9 lots along the south end of Nordic that were 1/3 acre and we could not reasonably change them because the services were already in. 2 lots in Phase 3 had to give up a little piece for the pump-station, so they are slightly below .5 acre. Attached hereto is spreadsheet showing all the lots sizes.

- When the P&Z Commission approved our Preliminary Plat, a requirement for sidewalks along just Nordic and Valhalla but not the other phases was added. It would be challenging to go back and add sidewalks now with the swell storm drains, water services, power, gas and other utilities in. If that was in the plan it needed to have been done in sequence.
- After that P&Z meeting we considered the implications and complications of complying and discussed them with the Administration. Mayor Taylor believed we could meet the requirement by appropriately marking a walking path on the outside edge of the streets. That was thoroughly discussed, and it became the plan.
- Recently discussion amongst City administration has now shifted to being uncomfortable with the painted pedestrian paths that had been approved without further action from the Planning and Zoning Commission.
- To relieve concern about pedestrian traffic, an asphalt path was added to the Preliminary Plat to be installed at the south end of Ragnor Court between lots 10 and 11. This pathway makes a relatively traffic free pathway for pedestrians from the north lots to access through that cul-de-sac to Meadow Park and its pathways. That takes foot traffic away from the south end of Nordic.
- Attached hereto is Page 19 of the recently completed Traffic Study. As you see, there will be very little traffic expected on Nordic because of the exits to Middleton Road off Valhalla and from the extension of Meadow Park. The speed limits would be 20 mph. Our CC&Rs limit on-street parking to keep the sides open for pedestrians.
- Our contractor has informed us that construction equipment in the small area between the swell drains and the water meters would basically damage the swell drains with compaction.

In consideration of these facts, KCRJ respectfully requests that Valhalla be grand-fathered to its original plan of no-sidewalks required because of the large lots, and the rules when the infrastructure was built.

There are many subdivisions with small lots and sidewalks that home buyers can elect to build in. Valhalla was designed as an alternative sub-division with large lots, a country feel, and no sidewalks. If that is not what any potential buyer is looking for they have lots of other choices.

If the commission cannot come to approval of removal of the sidewalk requirement except the path through Ragnor Street, then as an alternative, we request that the Commission approve the 5' painted pedestrian path along one side of the south end of Nordic so that parking can be on the other side. The same could be done to the north side of the east ½ of Valhalla.

Thank you for your consideration and for your public service.

Joe Roberts for KCRJ LLC

Valhalla Country Estates Lot Size Summary & Average % of an Acre

Phase 1		Phase 2		Phase 3		Phase 4		Phase 5	
Block 1		Block 1		Block 3		Block 4		Block 2	
1	15,360	1	22,981	7	21,755	6	21,787	24	22,072
2	15,028	2	22,985	8	21,831	7	21,802	25	22,084
3	15,645	3	22,957	9	22,016	8	21,799	26	23,014
4	21,789	4	22,943	10	21,204	9	21,887	27	33,430
5	21,849	Block 2		11	20,143	10	21,800	28	24,907
Block 2		1	21,838	13	21,788	11	21,924	29	22,814
1	14,769	2	26,721	14	21,781	12	21,784	30	25,059
2	13,875	<u>140,425</u>		15	21,801	13	21,781	31	21,844
3	14,840	<u>23,404</u>		<u>172,319</u>		14	21,780	32	28,836
4	14,840	53.7%		<u>21,540</u>		<u>196,344</u>		33	23,311
5	14,840			49.4%		<u>21,816</u>		34	21,782
6	15,554					50.1%		35	21,901
Block 3								37	21,781
16	21,786							38	21,782
17	21,790							39	22,110
18	21,815							40	27,581
19	21,803							41	23,742
20	21,789							42	23,324
21	23,456							43	23,468
22	24,432							44	24,687
23	23,392							45	25,487
24	22,095							46	22,781
Block 4								47	21,930
16	21,793							48	23,056
17	22,012							<u>572,783</u>	
18	22,012							<u>23,866</u>	
19	21,863							54.8%	
20	25,839								
21	25,339								
22	21,787								
23	22,745								
Block 5									
1									
2	21,569								
3	23,544								
4	24,421								
<u>633,671</u>									
20,441									
46.9%									

Valhalla Combined Average	
Phase	
1	633,671
2	140,425
3	172,319
4	196,344
5	572,783
Lots Total	<u>1,715,542</u>
Average	21,994.13
% of acre	50.5%

Valhalla Country Estates Neighborhood Meeting 3/1/2019

In compliance with the requirements for a public hearing before the Middleton City Planning and Zoning Commission on April 8th, 2019, a Neighborhood Meeting was properly noticed by mailing notices 10 days before the meeting that was held at 5:30 PM on 3/1/2019. The mailing list is attached hereto.

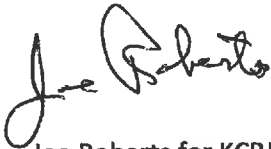
The subject of the meeting was a request to modify the requirement to add sidewalks along Valhalla and Nordic Streets. A second item that was noticed in the meeting invitation regarding a sewer service had already been resolved and was therefore not discussed at the meeting.

Joe Roberts representing KCRJ LLC, the developer, explained the purpose of the upcoming public hearing and the reasons for the request.

There was discussion about the issue and varying opinions were expressed, some completely agreeing that in the current situation, no sidewalks made perfect sense, and others expressing the view that sidewalks should always be required no matter what the situation was. A question was asked relating regarding the fact that the neighboring sub-divisions had sidewalks and asking why was this different. It was answered that those sub-divisions had much smaller lots and higher density, and that Valhalla Country Estates was being developed to give families a choose of a different kind of more country living with big lots, ability to have some animals, and no sidewalks. The city had recognized that difference that in the ordinances that existed when Valhalla & Nordic were put in years earlier and which in a modified form still exist.

The preliminary information about when the P&Z meeting was expected to be held was shared.

The meeting was adjourned at 6:00 PM.

A handwritten signature in black ink that reads "Joe Roberts". The signature is stylized with a large, looped "J" and a cursive "Roberts".

Joe Roberts for KCRJ LLC

3-1-19

Scan-In
Neighborhood Meeting
Vahalla Country Estates

Debbie Young
Dance Club

208-505-0183

208 999 9115

Debbie Swindhurst

707-921-9914

Lane Ransom

208-869-4885

Isa

208-406 7432

Mark Olson

208-697-8886

Tim Casagrande

208 576 6094

Richard Wymore 530-208-5207

2019-001181	
RECORDED	
01/10/2019 11:36 AM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=4 DLSTEPHENS	\$15.00
TYPE: DEED	
PIONEER TITLE CANYON - CALDWELL	
ELECTRONICALLY RECORDED	

SPECIAL WARRANTY DEED

Western Horizons, Inc. ("Grantor") for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, convey unto KCRJ LLC ("Grantee"), whose address is 10309 Colorful Dr., Nampa, ID 83687, and its successors and assigns forever, all the real estate situated in the County of Canyon, State of Idaho, described in Exhibit A attached hereto and incorporated herein, subject to any and all easements, restrictions, agreements and encumbrances of record or appearing on the land as of the date of this instrument.

[Handwritten signature]

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

Grantor makes no covenants or warranties with respect to title, express or implied, other than that previous to the date of this instrument, Grantor has not conveyed the same estate to any person other than Grantee.

Dated this 9 day of Jan, 2019

Western Horizons, Inc.

By *[Signature]*
Edward J. McNelis, Vice President

STATE OF IDAHO)
) ss.
County of Canyon)

On this 9 day of Jan, 2019 before me, the undersigned, a Notary Public in and for said state, personally appeared Edward J. McNelis, known or identified to me to be the V. Pres of the corporation that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho

Residing at: _____

My Commission Expires: _____



Residing at: Melba, ID
Commission Expires: 3/10/2021

EXHIBIT A

PARCEL 1:

The West Half of the Southeast Quarter of the Northeast quarter and the North Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter, all in Section 31, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

TOGETHER WITH: The North 60 feet of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

PARCEL 2:

A parcel of land lying in the Northeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

COMMENCING at a found Brass Cap marking the East Quarter Corner of said Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said Brass Cap also lying on the centerline of Middleton Road; thence

North 00° 16' 27" West 2,639.34 feet (formerly 2,639.30 feet) along the East boundary of the said Northeast Quarter of Section 31 and along the said centerline of Middleton Road to a found Brass Cap marking the Northeast corner of said Section 31, said Brass Cap also marking the centerline intersection of said Middleton Road and Purple Sage Road, said Brass Cap bears North 89° 33' 00" East 2,640.21 feet from a set 5/8 inch iron pin marking the North

Quarter Corner of said Section 31, said Brass Cap also marking the REAL POINT OF BEGINNING; thence South 00° 16' 27" East 1,319.67 feet (formerly 1,319.65 feet) along the said East boundary of the Northeast Quarter of Section 31 and along the said centerline of Middleton Road to a found Brass Cap marking the North 1/16 corner of said Sections 31 and 32; thence

South 89° 30' 31" West 1,043.57 feet along the South boundary of the Northeast Quarter of the Northeast Quarter of said Section 31 to a set 1/2 inch iron pin, said pin bears North 89° 30' 31" East 279.43 feet from a found 1/2 inch iron pin inside a 1 1/2 inch iron pipe marking the Northeast 1/16 corner of said Section 31; thence

North 00° 04' 58" West 454.20 feet to a set 1/2 inch iron pin; thence

North 50° 42' 51" East 173.02 feet to a set 1/2 inch iron pin; thence

North 27° 27' 09" East 857.40 feet to a set 1/2 inch iron pin lying on the North boundary of the said Northeast Quarter of Section 31, said pin also lying on the said centerline of Purple Sage Road; thence

North 89° 33' 00" East 508.70 feet along the said North boundary of the Northeast Quarter of Section 31 and along the said centerline of Purple Sage Road to the POINT OF BEGINNING.

TOGETHER WITH: A fifty (50) foot wide easement for the purpose of ingress, egress and irrigation, said easement lying in the Northeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said easement being more particularly described as follows:

COMMENCING at a found Brass Cap marking the East Quarter Corner of said Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said Brass Cap also lying on the centerline of Middleton Road; thence

North 00° 16' 27" West 2,639.34 feet (formerly 2,639.30 feet) along the East boundary of the said Northeast Quarter of Section 31 and along the said centerline of Middleton Road to a found Brass Cap marking the Northeast Corner of said Section 31, said Brass Cap also marking the centerline intersection of said Middleton Road and Purple Sage Road, said Brass Cap bears

North 89° 33' 00" East 2,640.21 feet from a set 5/8 inch iron pin marking the North Quarter corner of said Section 31; thence

South 89° 33' 00" West 508.70 feet along the North boundary of the said Northeast Quarter of Section 31 and along the said centerline of Purple Sage Road to a set 1/2 inch iron pin, said pin marking the REAL POINT OF BEGINNING; thence

South 27° 27' 09" West 56.58 feet to a point; thence

South 89° 33' 00" West 417.70 feet to a point; thence

North 00° 27' 00" West 50.00 feet to a point lying on the said North boundary of the Northeast Quarter of Section 31, said point also lying on the said centerline of Purple Sage Road; thence

North 89° 33' 00" East 444.18 feet along the said North boundary of the Northeast Quarter of Section 31 and along the said centerline of Purple Sage Road to the POINT OF BEGINNING,

William and Elizabeth Rehm
25073 Triangle Drive
Middleton, ID 83644

Sixons Inc.
P.O. Box 30
Ola, ID 83657

TK Development LLC
2186 S. Myers Pl
Boise, ID 83706

Mark and Johnna Hinrichs
25051 Triangle Drive
Middleton, ID 83644

Middleton Manor
24916 Middleton Rd
Middleton, ID 83644

Thomas and Janell Ward
2002 Scotch Pine Drive
Middleton, ID 83644

Dino and Jackie Selders
25021 Triangle Drive
Middleton, ID 83644

David Cross
P.O. Box 625
Middleton, ID 83644

Isaac and Betsy Radford
2024 Scotch Pine Drive
Middleton, ID 83644

Shelley MacDonald
11198 Purple Sage Rd
Middleton, ID 83644

Julie Degitz
P.O. Box 217
New Meadows, ID 83654

Michael and Karen Hunt
2056 Scotch Pine Drive
Middleton, ID 83644

Clay and Wendy Schaaake
24625 Middleton Rd
Middleton, ID 83644

Lois and Albert Marks
24325 Middleton Rd
Middleton, ID 83644

Travis Kidd
2078 Scotch Pine Drive
Middleton, ID 83644

Bobby Campbell
25054 Triangle Drive
Middleton, ID 83644

Willie Baber
24741 Middleton Rd
Middleton, ID 83644

Richard and Rena Wymore
2079 Scotch Pine Drive
Middleton, ID 83644

Richard and Marcia Varone
25024 Triangle Drive
Middleton, ID 83644

Danielle and Justin Bundy
24796 Middleton Rd
Middleton, ID 83644

Meadow Park HOA
119 S. Valley Dr. Ste 139
Nampa, ID 83686

Loretta Stadler
25053 Middleton Rd
Middleton, ID 83644

Jack Garrett
24623 Middleton Rd
Middleton, ID 83644

Milton and Janis Osgood
P.O. Box 116
Middleton, ID 83644

Norman and Karen Clark
11024 Purple Sage Rd
Middleton, ID 83644

Jose Gallegos
24525 Middleton Rd
Middleton, ID 83644

Lenora Richardson
11225 Purple Sage Rd
Middleton, ID 83644

David and Anita Olsen
423 E Karcher Rd
Nampa, ID 83687

John and Karin Mead
24421 Middleton Rd
Middleton, ID 83644

Amy Wilson
11223 Purple Sage Rd
Middleton, ID 83644

William and Elizabeth Rehm
25073 Triangle Drive
Middleton, ID 83644

Sixons Inc.
P.O. Box 30
Ola, ID 83657

TK Development LLC
2186 S. Myers Pl
Boise, ID 83706

Mark and Johnna Hinrichs
25051 Triangle Drive
Middleton, ID 83644

Middleton Manor
24916 Middleton Rd
Middleton, ID 83644

Thomas and Janell Ward
2002 Scotch Pine Drive
Middleton, ID 83644

Dino and Jackie Selders
25021 Triangle Drive
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Middleton, ID 83644

**NOTICE OF PUBLIC HEARING
CITY OF MIDDLETON, IDAHO**

The Middleton Planning and Zoning Commission is scheduled to hold a public hearing at 7:00 p.m. on Monday, April 8, 2019, 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

A request by KCRJ, LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

A request by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-2-3: reduce side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

Everyone is invited to attend and comment at the hearing. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Official, 1103 W. Main Street, Middleton, ID 83644.

Please Publish: Tuesday, March 19, 2019

Please send Affidavit of Publication to:

Dawn Dalton, Deputy Clerk
City of Middleton
P.O. Box 487
Middleton ID 83644

Thank you.



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644
208-585-3133 Fax (208) 585-9601
citmid@middletoncity.com
www.middleton.id.gov

March 20, 2019

Re: Notice of Public Hearing

Political subdivisions of the State of Idaho providing services to the properties:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at **7:00 p.m. on Monday, April 8, 2019**, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application from KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

An application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1, Table 2, by reducing minimum interior side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

Becky Crofts
City Administrator



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citmid@middletoncity.com

www.middleton.id.gov

March 20, 2019

Re: Notice of Public Hearing

Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at **7:00 p.m. on Monday, April 8, 2019**, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application from KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Crofts", is written over a horizontal line.

Becky Crofts
City Administrator



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644
208-585-3133 Fax (208) 585-9601
citmid@middletoncity.com
www.middleton.id.gov

*Flyer for Posting Box
Posted 3/28/19
DT:EAH*

March 27, 2019

Re: Notice of Public Hearing

Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at **7:00 p.m. on Monday, April 8, 2019**, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application from KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical accommodation. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Crofts".

Becky Crofts
City Administrator

Darin Taylor

From: Kara Maze <karamaze22@gmail.com>
Sent: Tuesday, March 26, 2019 10:57 AM
To: Darin Taylor
Subject: Fwd: Elementary school land

Here is the email from Dr. Middleton that was discussed this morning.

Best,

Kara Maze
KCRJ LLC
208-369-3385

----- Forwarded message -----

From: Josh Middleton <jmiddleton@msd134.org>
Date: Mon, Mar 25, 2019 at 8:48 AM
Subject: Re: Elementary school land
To: Kara Maze <karamaze22@gmail.com>

Good morning Kara,

Yes, the district is considering selling this property. We just had it appraised and I hope to take it to the board on April 8th for them to consider putting on the market. Selling property owned by the district is required to first go through a sealed bid process in which the highest bid must be at least the appraised value. If no one bids on it or bids do not meet/exceed appraised value, the district can sell it through tradition method.

That's the latest I have on the property but feel free to reach out again on April 9th for an update.

Thanks,

Josh Middleton

Dr. Josh J. Middleton, Superintendent
5 South Viking Avenue
Middleton School District 134
Middleton, ID 83644

"Without trust, we don't truly collaborate; we coordinate or at best, cooperate. It is trust that transforms a group of people into a team." Dr. Stephen Covey

On Mon, Mar 25, 2019 at 8:42 AM Kara Maze <karamaze22@gmail.com> wrote:
Greetings,

I am a local developer and was interested in the possibility of purchasing the land that the school district had planned to build the elementary school on at the end of Meadow Park Blvd.

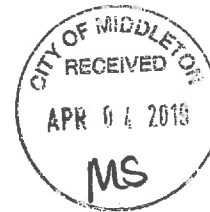
Can you tell me if the School District would consider or if it has considered selling this piece of real estate?

Best,

Kara Maze
KCRJ

City of Middleton

Planning and Zoning Commission



Dear Commissioners,

I'm writing this to oppose the KCRJ LLC special use permit to remove the requirement for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision.

I live in the adjacent The Pines subdivision which has sidewalks. Every day you can see people walking on the sidewalks for exercise in our subdivision and in the Crossings subdivision. Obviously it's much safer to walk on sidewalks instead of in the street. The person developing the subdivision said not having sidewalks would be similar to a subdivision on Lansing. However, that development is a closed loop with no through traffic. My understanding is Valhalla (formerly Ponderosa) will continue to be a through street which will have more than just neighborhood traffic. Also in terms of appearance, sidewalks would be more visually appealing in side by side neighborhoods.

I salute the spirit of the folks who are developing this area and wish them success, but I think sidewalks are the way to go.

Michael Hunt

2056 Scotch Pine Dr., Middleton, ID, 83644

ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Valhalla Country Estates Subdivision – Exception from Sidewalk Standards

SUMMARY OF APPLICATION

An application by KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

Applicant: KCRJ, LLC
10309 Colorful Drive
Nampa, ID 83687

Representative: Mason and Associates
924 3rd Street South, Suite B
Nampa, ID 83651

1. **APPLICATION:** The application was accepted by the city on Marcy 8, 2019.

2. **NOTICE OF PUBLIC HEARING:**
Published notice Idaho Press Tribune: March 19, 2019
Letters to 300' Property Owners: March 20, 2019
Letters to Agencies: March 20, 2019
Property Posted: March 28, 2019

3. **APPLICABLE CODES AND STANDARDS:**
Idaho Code Title 67, Chapter 65; primarily 67-6512(f)
Middleton City Code (MCC) 1-14-2, 1-14-4, 1-15-2, 5-4-1 Table 2 Notes, and 5-4-11-2

4. **PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:**

A. On September 27, 2018, the Planning and Zoning Commission approved, with the following conditions, a Special Use Permit excepting Valhalla Country Estates Subdivision (Valhalla Subdivision) to certain standards.

1. The applicant construct a north bound left turn lane from Middleton Road onto Meadow Park Street and a south bound right turn lane from Middleton Road onto Meadow Park Street as long as there is sufficient right-of-way.
2. The applicant construct sidewalks along both sides of Valhalla St. and Nordic Ave.
3. The applicant construct an eight foot asphalt pathway on the north side of Meadow Park St for the portion of road between the Valhalla subdivision and Middleton Road.
4. The applicant construct an eight foot asphalt pathway on both sides of Meadow Park Street in Valhalla subdivision.
5. Make changes based the August 24, 2018 letter from the City Engineer.

Conditions "4" and "5" have been complied with, and condition "3" will be complied with during Phase 2 construction. The property boundary of the existing residential property located at the northwest corner of Middleton Road and future Meadow Park Street extends to the center of Middleton Road; there is not sufficient public road right-of-way to construct the north and south bound turn lanes described in condition "1." Condition "2" is the subject of this application.

B. MCC5-4-11-2 requires five-foot (5') wide sidewalks abutting the curb on both sides of the road, unless otherwise approved by the city

MCC 5-4-1 Table 2, Note 10 states in pertinent part, "Subdivisions in an R-2 Zone: Curb, gutter, sidewalks, and streetlights are not required;" i.e., subdivision with all lots at least 21,780 square feet (one-half acre) are not required to install sidewalks. This city requirement matches the county requirement as an incentive for developers to build larger lots and non-starter homes in city limits instead of outside city limits in the area of city impact. These subdivisions can continue the rural residential property look and feel traditional in Canyon County: asphalt roads with no curbing or with concrete ribbon curbing, and swales or barrow ditches.

MCC 5-4-1 Table 2, Note 11 states in pertinent part, "Subdivisions in an R-3 Zone: Curb, gutter, sidewalks and streetlights are required;" i.e., subdivisions lots with minimum lot size (8,000 square feet) must incur the cost and construct stormwater, sidewalk and streetlights typical in cities.

C. The subject property is zoned R-3, three single-family dwellings per gross acre. There are 75 lots in the approved preliminary plat for Valhalla Subdivision, 66 that are one-half acre or larger, and nine smaller than one-half acre.

D. **Written Agency Responses Received to Date:** An e-mail dated March 25, 2019 from Dr. Josh Middleton, Superintendent of Middleton School District #134, to Kara Maze, a member of KCRJ LLC, states the District appraised and is considering selling the Elementary School #4 property located south of The Crossing Subdivision and west of Valhalla Country Estates Subdivision property. The District Board is scheduled on April 9, 2019 to make a final decision about whether to sell the property.

E. **Written Landowner Responses Received to Date:** Michael Hunt opposes this application because "it is much safer to walk on sidewalks than instead of in the street" and The Crossing and The Pines subdivisions have sidewalks.

6. CONCLUSION

The subject property is zoned R-3, which requires sidewalks. If all lots in Valhalla were at least one-half acre, then sidewalks are not required. Nine of the 75 residential lots in the subdivision are less than one-half acre in size.

On the subject property, would the city rather:

1. Have R-3 Zoning with residential lots at least 8,000 square-foot minimum and sidewalks (MCC, Table 2 Note 10), or

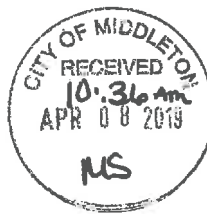
2. Have R-2 Zoning with residential lots at least one-half acre in size and no sidewalks (MCC, Table 2 Note 11), or

3. Have R-3 Zoning and all residential lots actually at least one-half acre in size, so actual supersedes zoning, and no sidewalks are required (the city is working to correct this discrepancy), or

4. As described in the application for this matter, have R-3 Zoning with 66 residential lots at least one-half acre in size, and nine that meet the minimum lot-size requirement (8,000 sq. ft.) but are not large enough to categorically exempt the subdivision from the sidewalk requirement?



Drafted by: Darin Taylor
Date: April 5, 2019



2/8-19

Dear Middleton Planning and Zoning Board,

This letter is written in regards to KCRJ LLC request to be exempt from placing sidewalks in the proposed Valhalla Subdivision. This letter is submitted by the Board of Directors on behalf of the majority of 51 residences of the Pines of Meadow Park subdivision. We are located directly adjacent to the Valhalla development and will also be directly affected by your decision.

Many of our residents have moved into our subdivision due to its location and seclusion away from heavily traveled roads. Many of our residents fall into 1 of 2 categories. Either being newly retired or being a family with younger aged children. Up until recently, Valhalla Rd (previously Ponderosa) has been enjoyed by many individuals on a daily basis as a means of enjoying the outdoors. Many others use it as means to access Middleton. KCRJ has closed the road due to the amount of traffic being a safety concern for their construction workers. As KCRJ LLC has identified the heavy use of the road we question their request to not place sidewalks within the VALHALLA subdivision. When the road was open it was already used heavily by residents, school buses, and delivery entities. With the development of the anticipated additional (78) homes in the Valhalla subdivision the additional traffic and use will only be increased substantially.

The request by KCRJ LLC to amend or remove the Commissions conditions for sidewalks should be upheld as a requirement for the Valhalla development to. Middleton City Code 5-4-11-2 is a standard that should be followed. Specifically, the sidewalks should be placed out of safety for current and future residents both young and old. With a projected school and park being only 1/3 mile away one would assume many more families with children will be looking to move into the area.

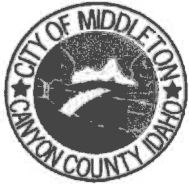
KCRJ may argue that the majority of their proposed lots are greater than 0.5 acres. Which then in turn would meet parameters to request the amendment. However, according to the plat map just in phase 1, 9 of the lots on (formerly Ponderosa) the main road through the development are substantially smaller than 0.5 acre and account for about 30% of the lots. KCRJ LLC has already placed walkways at the front of their entrance off of Middleton RD giving the illusion that walkways will be present to projected homeowners. If they feel sidewalks are not needed then why already place them along the entire entryway?

In summary, please enforce the placement of sidewalks in the Valhalla subdivision. The cost of placing a sidewalk in a new development by any developer should be an expected cost that is accounted for. The safety of current and future homeowners, visitors, and children should not be sacrificed. We are the homeowners who live, work, and play in Middleton. We hope our request outweighs the profit margin of a developer who does not.

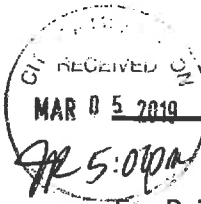
Respectfully,

The Pines HOA Board of Directors
Corey Patocka
Spencer Gladwell
Brandy Miller

C



CITY OF MIDDLETON
 P O Box 487
 1103 W MAIN ST, MIDDLETON, ID 83644
 208-585-3133, Fax: 208-585-9601
 WWW.MIDDLETON.ID.GOV



Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 375

Application Accepted by: MTF Rec 1.237776

Date Application Accepted: 3/5/19

Applicant:

WTW Development

Name	Phone	Email
<u>PO Box 545</u>	<u>MIDDLETON ID</u>	<u>83644</u>
Mailing Address	City, State	Zip

Representative:

Name	Phone	Email
<u>PAUL WATSON</u>	<u>208-907-0066</u>	<u>PAULWATSON@yahoo.com</u>

Mailing Address	City, State	Zip Code
<u>PO Box 545</u>	<u>Middleton ID</u>	<u>83644</u>

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
- ☐ Rezone
- ☐ Vacate Right-of-Way
- ☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☐ Design Review
- ☐ Preliminary Plat
- ☐ Construction Plans
- ☐ Final Plat

PUBLIC HEARINGS **

- ☒ Special Use Permit
- ☐ Development Agreement
- ☐ Variance
- ☐ Ordinance Amendment

* Public Meetings: individuals have a right to observe at an open meeting.

** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:

Site Address: Willis Rd & Hartley Ln Total Acres: 91

Assessor's Tax Parcel No(s): R34443013; R344430000; R3444201100
R3444201300; R3444201400; R34444200000; R3444201000

Crossroads: Willis/Hartley

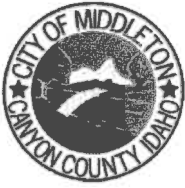
Existing Zoning: R-3 Proposed Zoning: _____

Floodplain Zone: _____ Hillside (grades exceeding 10%): _____

PAUL WATSON
 Applicant's Printed Name

3/5/2019
 Date

[Signature]
 Applicant's Signature



CITY OF MIDDLETON
P O Box 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 375
Application Accepted by: RF
Date Application Accepted: 3/5/19

Checklist - A complete Planning and Zoning Application must include the following.

- ☒ **Application Form**
- ☒ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. \$375.00 Applicant Initial
- ☒ **Vicinity Map:** attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.
- ☒ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Describe how request is consistent with comprehensive plan <u>SUP</u> (for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Design review materials and information (design review application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed preliminary plat, drainage calculations, traffic impact study |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed construction drawings (construction plans application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed final plat (for final plat application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed development agreement |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Worksheet (for special use permit or variance only) |

- ☒ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.
- ☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.
- ☒ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.
- ☒ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.
- ☒ **Complete Application (City use only: check box and Initial if Application is complete):** RF



CITY OF MIDDLETON
P O Box 487 AVENUE, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning Department

Special Conditional Use Permit Checklist

Rev: 09/13/2017

Property Owner(s): WTW DEVELOPMENT, LLC

Please answer the following questions:

1. Property Size: 90+ ACRES
2. Crossroads: WILUS / HARTLEY ROADS
3. Future Land Use Designation: RESIDENTIAL → R-3 ZONE
4. Surrounding Land Uses: R-3, C-1, PUBLIC SERVICES
5. If approved, what is the expected effect on roadways and traffic? VERY LITTLE IMPACT
TO OVERALL TRIP GENERATION.
6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.? NO - REMAINS RESIDENTIAL

If applicable:

Days and hours of operation: N/A

Number of employees (full-time): N/A (part-time): N/A

Number of employees (living on-site): N/A (living off-site): N/A

Frequency of deliveries: N/A Location of deliveries: N/A

Commission Evaluation: A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 5-3-4 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.



CITY OF MIDDLETON
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Planning Department
Conditional Use Permit Checklist
Rev: 09/13/2017

Conditions of Approval: When approving a conditional use permit, conditions may be attached to:

- Minimize impact on other development;
- Control sequence and timing;
- Establish duration of the use;
- Assure the development is maintained properly;
- Designate the location and nature of development, including signs;
- Require the provision for on-site or off-site public facilities or services;
- Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).



February 26, 2019

Darin Taylor, Mayor (c/o Randall Falkner)
Planning & Zoning Department
City of Middleton
1103 West Main Street
Middleton, Idaho 83644
rfalkner@middletoncity.com

Re: Stonehaven Subdivision: Willis/Hartley, Middleton ID – Special User Permit (SUP) Application

Mayor Taylor,

We have appreciated meeting with you and staff over the past months. Your continual help and input in the details of the Stonehaven Subdivision through the entitlement application process with the City of Middleton is appreciated.

WTW, LLC - developer, Paul Watson and consultants of approximately 90+ acres located south and east around the Middleton High School and church parcel along Willis, Hartley and Emmett Road, Middleton, Idaho 83644 have platted and designed initial phases approved for construction comprising of residential R-3 zoned parcels/lots. The zoning and platting pertain to parcels #R34443013, #R344430000, #R3444201100, #R3444201400, #R3444200000, #R3444201300 and #R3444201000. In fact, the first phase of Stonehaven Subdivision is nearing construction completion and readiness for sale of lots. Multiple respected builders are eager to purchase these lots. Phase 2 is approved and will soon be underway as well. Construction efforts should commence this Spring 2019.

As a developer and investor, WTW is primarily concerned with selling product (lots). However, as neighbors and residents, we are deeply interested in contributing to the city and its residents in a meaningful way with consistency to neighboring developments and quality products nearby. Whether the lots of Stonehaven are purchased and used to build product for first-time home buyers, or whether those same lots are used to build larger homes for second-time buyers who are more stable and more likely to stay in Middleton makes little economic difference to the developer/investor. However, as committed residents who reside on or near the property, the developers desire to help the 243+ lots of Stonehaven become populated with higher-end (\$325k-\$500k) homes is more attractive than having the same 243+ lots become populated with attractive, but lower-end (\$190k - \$250k) starter homes.

As numerous builders have expressed interest and desire to build in Middleton, the common indication is that in order to build product with 3-car garages, rather than 2-car garages, and allow for variability in structural design rather than just a variety of front-elevations, a 62-65 foot building width is needed. All lots in Stonehaven meet city code for R3 development. However, with the new 10-foot side setback requirement, R3 lot width and side setbacks allow only 55 feet of buildable width. It is WTW's belief that the best use of the approved preliminary plat would be, rather than adding more \$190k-\$250k starter homes, to build higher-end product allowing for greater variability and further encourage more stable, long-term residents who will add to tax basis and economic stability of the City and desirability of the Community. This would most likely reduce the sales price of new-construction starter homes in other areas, which is good economics for all of us.

TITLE: TOPOGRAFC SURVEY		SHEET 1 OF 1	
DATE: 01/24/10	BY: [Signature]	PROJECT NO. 0015	DATE: 01/24/10
PROJECT NO. 0015	DATE: 01/24/10	PROJECT NO. 0015	DATE: 01/24/10

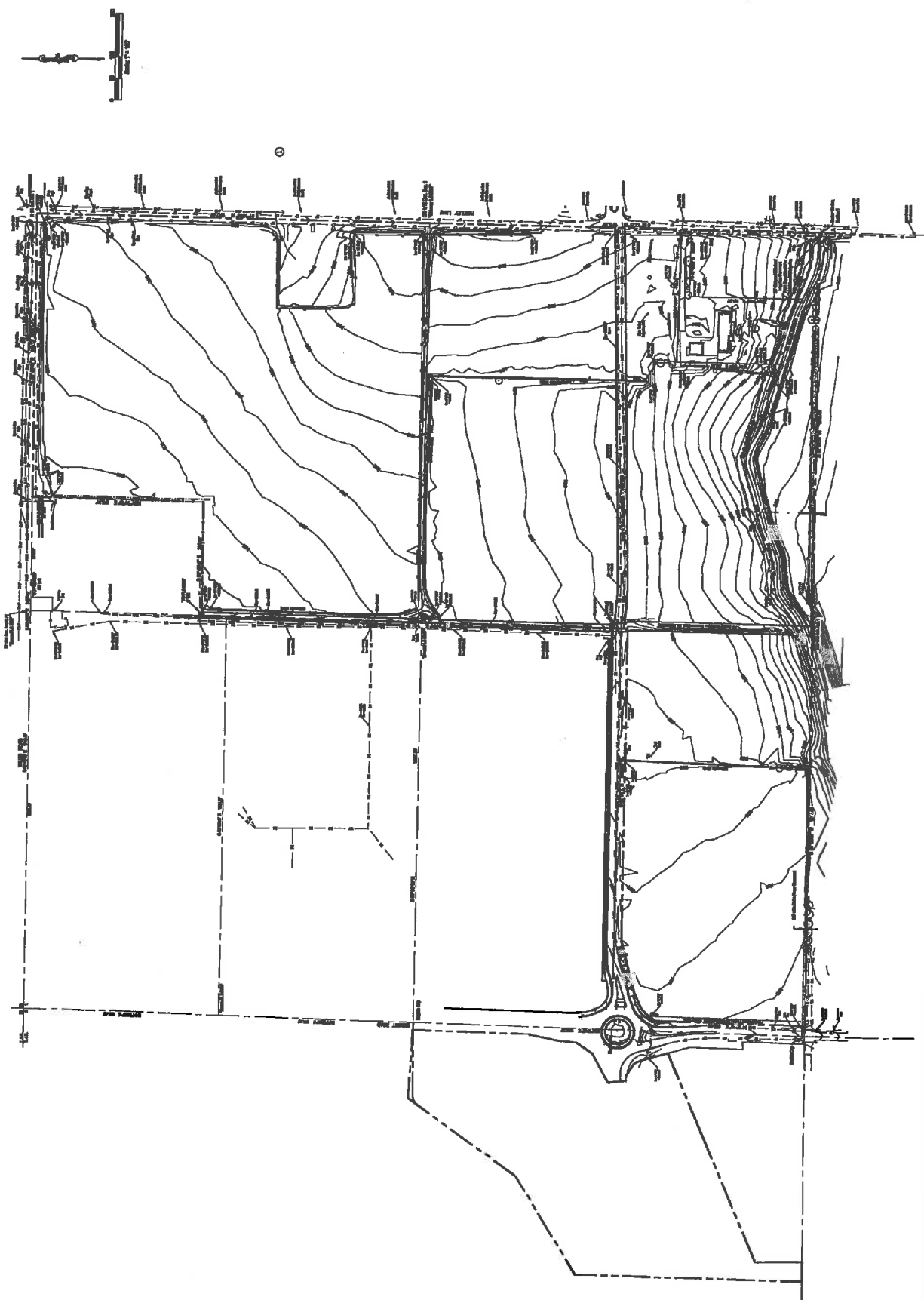


COMPASS LAND SURVEYING
 625 11th Avenue South
 Nampa, ID 83655
 (208) 445-0115
 (208) 327-2100 fax

ALTERRA CONSULTING
 640 E. STATE STREET, STE 104
 KAMATE, IDAHO 83604

NO.	BY	DATE

DESCRIPTION



Sign In Attendance Form:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - 6:30pm

Middleton Heights Elementary

[illegible]

Sign In Attendance Form:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - 8:30pm

Middleton Heights Elementary

Name:	Phone Number:	Email:	Address:
Dana Furrow	208-989-5046	DFURROW@MSU.com	1679 Mustang Mesa. Acco.
Dorella Furrow	"	"	"
Al Biesh	425 268-6447		
Lynda Bush	425-268-6449	BushLynda@comcast.net	9190 Woodland Truckee, CA
Carlene Thi	951-818-3694		
Nate Arrasmith	208-941-7651		12981 Olive Ridge
Gabrielle Okamura	208-989-5904	gab-debra@ gmail.com	23107 Hartley Lane
Paige Arrasmith	208-590-4712		23107 Hartley Lane
Randy Michaux	571 643 9850	michauxchirp@ yahoo.com	1636 Spring Creek Ave
Michaela Waut	(310) 283-3393	mike@michaelwelch.com	1170 Ouzans Trail
Gina Nightingale	(208) 830-4374	gnightingale81@gmail.com	23553 Emmett Rd Caldwell, 83407

Comment Sheet:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - ~~6:30~~pm

Middleton Heights Elementary

Mike Grafe	<ul style="list-style-type: none"> • access to back yard by fire dept or emergency personnel • 5' setbacks = 18" clearance by air conditioner & 24" for garbage cans • already approved for 10' setbacks
Barbara Grafe	<ul style="list-style-type: none"> • fire hazard • can see in neighbor windows
Shawn Maybon	<ul style="list-style-type: none"> • not small town fee • fire hazard • Insufficient open space • Spill over into other city amenities
Dana Furrow	<ul style="list-style-type: none"> - Codes are for a reason. - Too many Houses could possibly use the Variance.
Carlene Thie	<p>No on Plan set back we the people of Middleton already agreed to the plan. The plan was the plan! NO!</p>
Donella Furrow	<ul style="list-style-type: none"> - Having a blanket variance opens up too much possibility for <u>all</u> houses to use this. - Sets a dangerous precedent for any future development.

Comment Sheet:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - ~~6:30~~pm

Middleton Heights Elementary

Christy Hayes	<ul style="list-style-type: none">- Too close together - Keep to city code- Emergency access to side/back yards- Blanket Variance is a bad idea
Cyndi Gregg	Code by a reason before - Emergency Access - Safety - Roof to roof



AltTerra Consulting
Date: 2/15/18
Job No.: 0318

STONEHAVEN SUBDIVISION EXTERIOR BOUNDARY DESCRIPTION

The following Describes a Parcel of Land being a portion of the Northwest 1/4 of Section 1, Township 4 North, Range 3 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

BEGINNING at a found Brass Cap Marking the Northeast Corner of the NW 1/4 (North 1/4 Corner) of said Section 1; From which, the Northwest Corner of the NE 1/4 NW 1/4 (West 1/16th Corner) of said Section 1 bears, North 89°45'46" West, 1,329.17 feet which is being Monumented with a found 5/8" Iron Pin with Plastic Cap "Brownell PLS 8960"

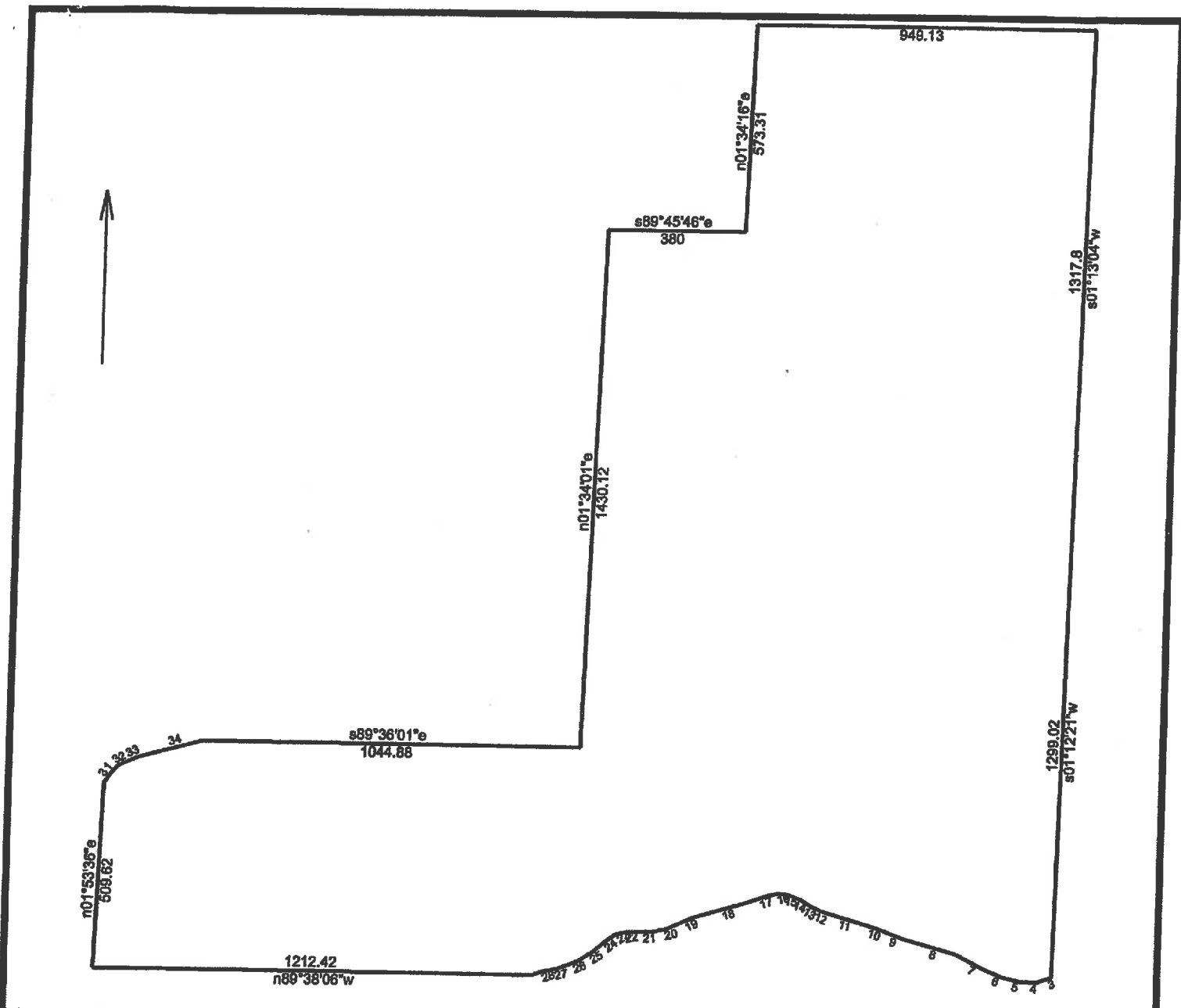
Thence along the Easterly Boundary Line of the NW 1/4 of said Section 1, South 01°13'04" West, 1317.80 feet to the Southeast Corner of the NE 1/4 NW 1/4 (Center-North 1/16th Corner) of said Section 1 which is being Monumented with a found 5/8" Iron Pin with Plastic Cap "Skinner PLS 3627";

Thence continuing, South 01°12'21" West, 1299.02 feet to a point on the Centerline of the Canyon Hill Canal;

Thence leaving said Easterly Boundary Line, and along the Centerline of the Canyon Hill Canal the following courses and distances:

- 1) South 71°29'41" West, 44.23 feet to a point;
- 2) North 88°10'32" West, 46.59 feet to a point;
- 3) North 77°37'37" West, 52.38 feet to a point;
- 4) North 67°27'31" West, 57.21 feet to a point;
- 5) North 63°03'07" West, 86.03 feet to a point;
- 6) North 74°31'21" West, 154.71 feet to a point;
- 7) North 69°11'18" West, 75.06 feet to a point;
- 8) North 73°11'52" West, 58.91 feet to a point;
- 9) North 74°14'17" West, 112.63 feet to a point;
- 10) North 66°17'36" West, 29.80 feet to a point;
- 11) North 58°25'31" West, 34.02 feet to a point;
- 12) North 69°33'13" West, 38.66 feet to a point;
- 13) North 83°22'56" West, 25.48 feet to a point;
- 14) South 76°44'38" West, 28.17 feet to a point;
- 15) South 71°09'12" West, 73.35 feet to a point;
- 16) South 74°16'16" West, 140.85 feet to a point;
- 17) South 66°05'26" West, 77.84 feet to a point;
- 18) South 76°27'58" West, 38.47 feet to a point;
- 19) South 88°29'55" West, 74.93 feet to a point;
- 20) South 79°00'49" West, 27.73 feet to a point;
- 21) South 55°16'58" West, 29.46 feet to a point;
- 22) South 50°39'33" West, 56.21 feet to a point;
- 23) South 58°23'14" West, 43.51 feet to a point;
- 24) South 67°55'09" West, 56.09 feet to a point;
- 25) South 78°11'56" West, 46.45 feet to a point;
- 26) South 70°13'26" West, 29.22 feet to a point on the Southerly Boundary Line of the NW 1/4 of said Section 1;

Thence leaving said Centerline, and along the Southerly Boundary Line of the NW 1/4 of said Section 1, North 89°38'06" West, 1212.42 feet to a point on the Easterly Right of Way Line of Emmett Road;



0318 BROOKHAVEN SUBDIVISION EXTERIOR BOUNDARY

2/15/2018

Scale: 1 inch= 399 feet

File:

Tract 1: 90.6837 Acres, Closure: s76.0751w 0.02 ft. (1/437148), Perimeter=10556 ft.

- 01 s01.1304w 1317.8
- 02 s01.1221w 1299.02
- 03 s71.2941w 44.23
- 04 n88.1032w 46.59
- 05 n77.3737w 52.38
- 06 n67.2731w 57.21
- 07 n63.0307w 86.03
- 08 n74.3121w 154.71
- 09 n69.1118w 75.06
- 10 n73.1152w 58.91
- 11 n74.1417w 112.63
- 12 n86.1736w 29.8
- 13 n58.2531w 34.02
- 14 n69.3313w 38.66
- 15 n83.2256w 25.48
- 16 s76.4438w 28.17
- 17 s71.0912w 73.35
- 18 s74.1616w 140.85
- 19 s66.0526w 77.84
- 20 s76.2758w 38.47
- 21 s88.2955w 74.93
- 22 s79.0049w 27.73

- 23 s55.1658w 29.46
- 24 s50.3933w 56.21
- 25 s58.2314w 43.51
- 26 s67.5509w 56.09
- 27 s78.1156w 46.45
- 28 s70.1326w 29.22
- 29 n89.3806w 1212.42
- 30 n01.5336e 509.62
- 31 Rt, r=176.50, delta=018.2006, chord=n36.5422e 56.24
- 32 Rt, r=41.50, delta=019.5302, chord=n56.0110e 14.33
- 33 n65.5753e 51.89
- 34 n75.1342e 178.83
- 35 s89.3601e 1044.88
- 36 n01.3401e 1430.12
- 37 s89.4546e 380
- 38 n01.3416e 573.31
- 39 s89.4546e 949.13

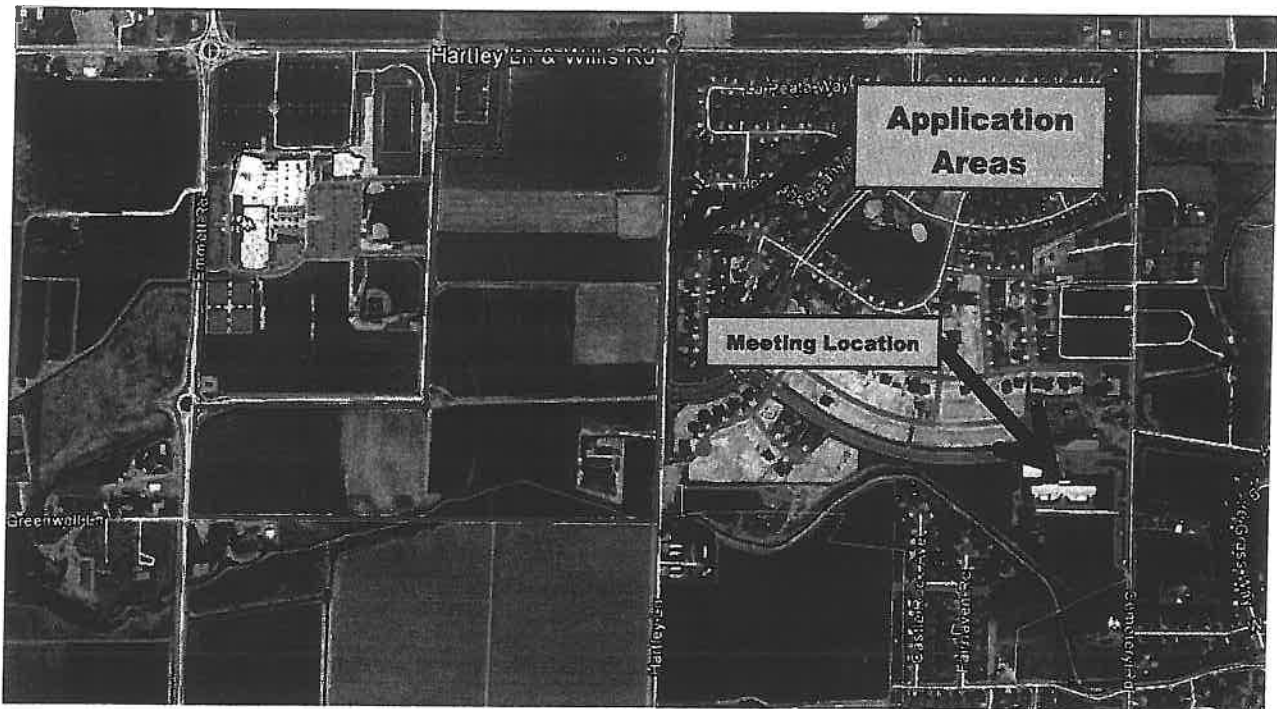


Neighborhood Meeting Notice

February 8, 2019

Subject: Stonehaven Subdivision – residential Special Use Permit Application

The owners of Stonehaven Subdivision are seeking a special use permit to allow an exception to the side setback standards for the approved residential lots. Decreasing the side setback will bring variety of structural product and potentially increase the number of higher end homes. This will be done by decreasing the setback on lot sides from 10ft to 5ft. This allowance would be complimentary to many of the adjacent subdivisions and homes in the area. The exhibit below depicts the “Application Areas” in red and shows the meeting will be held at Middleton Heights Elementary School.



A meeting has been scheduled to provide the opportunity for you to meet with project representatives to review this proposal in greater detail and listen to the public's input.

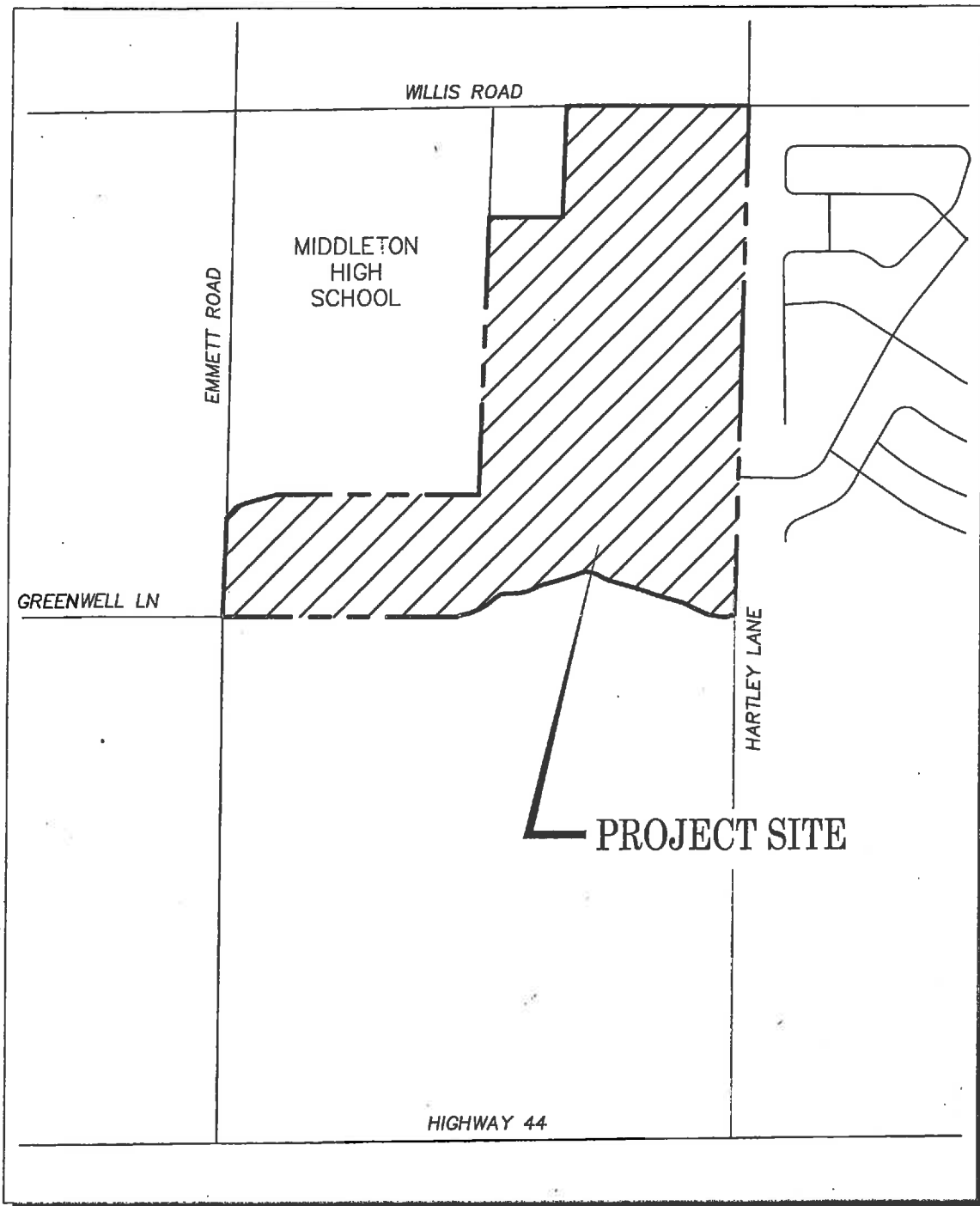
Date **February 26th 2019**

Time **6: 00 – 6:30 P.M.**

Location **611 Cemetery Road, Middleton, Idaho (in the cafeteria)**

If you have questions prior to the meeting, please contact Jay Walker,

AllTerra Consulting, 208-484-4479 or jwalker@allterraconsulting.com

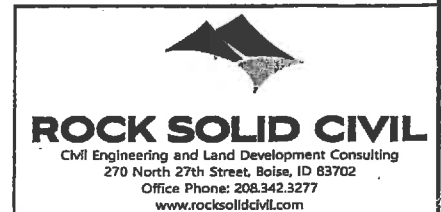


VICINITY MAP
1"= 800'



STONEHAVEN SUBDIVISION

A PORTION OF SECTION 01, T.4N., R.3W., B.M.
MIDDLETON, CANYON COUNTY, IDAHO



2-8-18

AFFIDAVIT OF LEGAL INTEREST

STATE OF IDAHO)

) ss
COUNTY OF CANYON)

I Robert Watson 4300 Los Altos
(name) (address)
Meridian Idaho 83642
(city) (state) (zip)

being first duly sworn upon oath, depose and say: That I am the record owner of the property

described on the attached, and I grant my permission to WTW Development, LLC
(name)
PO Box 545 Middleton Idaho 83644
(address) (state) (zip)

to submit the accompanying application pertaining to that property.

Address or location of property:

I agree to indemnify, defend and hold the City of Middleton and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

I understand there may be direct costs incurred by the City in obtaining a review of the application by architects, engineers, or other professionals necessary to enable the City to approve or disapprove the application. I understand that I will be billed on a monthly basis and will remit payment within 30 days.

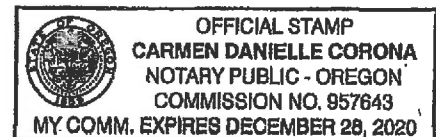
I hereby grant permission to the City of Middleton staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Type of application: Rezone and Preliminary Plat Application

Dated this 8th day of February, 2018

Robert Watson

(Signature)



SUBSCRIBED AND SWORN to before me the day and year first above written.

[Signature]
Notary Public for Oregon

Residing at: Malheur, OR

My Commission Expires: 12/28/2020



Pioneer Title Co.

GOING BEYOND

610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

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PART OF THE ORIGINAL DOCUMENT.

201104758

QUITCLAIM DEED

(Deed in Lieu)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

whose address is P.O. Box 1487, IDAHO FALLS, ID 83413
Bank of Idaho Trustee for Robert E. Watson IRA

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 0, 34443000 0, 34443012 0 records of Canyon County, Idaho.

This deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is the sum of \$10.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Deed of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 5, 2008, and recorded July 9, 2010 as Instrument No. 2010033065, records of Canyon County, Idaho. This deed completely satisfies said mortgage (or Deed of Trust) and note (or notes) secured thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011

C.K. Investors Limited Partnership, by C.K. INvestors I, LLC, an Idaho LLC, as general partner

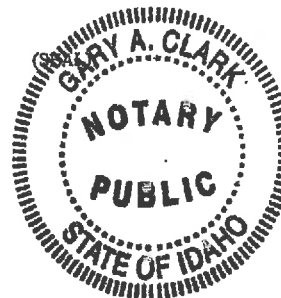
Larry J. Kemp, Manager

State of IDAHO
County of BANNOCK ss.

On this 9 day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public
Residing at: P.O. Box 1487
Commission Expires: 7-10-2012





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2011031820

RECORDED

2011 Aug 10 PM 2 13

CHRIS YAMAMOTO

CANYON CNTY RECORDER

BY M. Brown

Requestor Pioneer Title Canyon - Ca
Type DEED

Fee \$13.00

ELECTRONICALLY RECORDED BY SIMPLIFILE

201104758

QUIT CLAIM DEED

(Deed in Lieu)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

Bank of Idaho Trustee for Robert E. Watson IRA

whose address is

P.O. Box 1487, IDAHO FALLS, ID 83403

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 0, 34443000 0, 34443012 0 records of Canyon County, Idaho.

This deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is the sum of \$10.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Deed of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 5, 2008, and recorded July 9, 2010 as Instrument No. 2010033065, records of Canyon County, Idaho. This deed completely satisfies said mortgage (or Deed of Trust) and note (or notes) secured thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011

C.K. Investors Limited Partnership, by C.K. Investors I, LLC, an Idaho LLC, as general partner

Larry J. Kemp, Manager

State of

IDAHO

County of

BANNOCK

SS.

On this 4 day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public

Residing at

Commission Expires

POC ID

7-10-2012

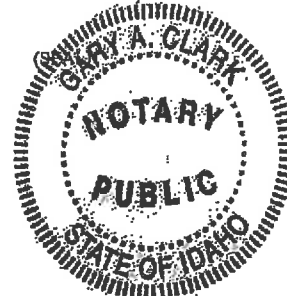


EXHIBIT "A"

Parcel II

This parcel consists of the Southeast Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence North 01° 34' 07" East along the West boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,320.34 feet to the Northwest corner of said Southeast Quarter of the Northwest Quarter; thence South 89° 33' 49" East along the North boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,337.07 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter; thence South 01° 12' 27" West along the East boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,318.59 feet to the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence North 89° 37' 56" West along the South boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,345.42 feet to the **POINT OF BEGINNING**.

Parcel III

This parcel is a portion of Government Lot 3 of Section 1, Township 4 North, Range 3 west of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of said Government Lot 3; thence along the East boundary of said Government Lot 3, South 01° 13' 08" West, 1,317.81 feet (of record South 01° 16' 37" West, 1,317.90 feet) to the Southeast corner of said Government Lot 3; thence along the South boundary of said Government Lot 3, North 89° 33' 52" West, 1,337.07 feet to the Southwest corner of said Government Lot 3; thence along the West boundary of said Government Lot 3, North 01° 34' 06" East, 740.07 feet to a point which lies 573.31 feet South of the Northwest corner of said Government Lot 3; thence parallel with the North boundary of said Government Lot 3, South 89° 45' 40" East, 380.00 feet; thence parallel with the West boundary of said Government Lot 3; North 01° 34' 06" East, 573.31 feet to a point on the North boundary of said Government Lot 3; thence along said North boundary, South 89° 45' 40" East, 949.13 feet to the **POINT OF BEGINNING**.

798



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2011031821
RECORDED
2011 Aug 10 PM 2 13
CHRIS YAMAMOTO
CANYON CNTY RECORDER
BY M. Brown
Requestor Pioneer Title Canyon - Ca
Type DEED
Fee \$16.00
ELECTRONICALLY RECORDED BY SIMPLIFILE

201104758

QUITCLAIM DEED

(Dead In Lien)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

Robert E. Watson, a married man

whose address is

4300 Los Altos Dr., Meridian, ID
83642

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 0, 34443000 0, 34443012 0 records of Canyon County, Idaho. This deed is an absolute conveyance of title in effect as well as in form and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is the sum of \$10.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Deed of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 5, 2008, and recorded October 3, 2010 as Instrument No. 2010046939, records of Canyon County, Idaho. This deed completely satisfies said mortgage (or Deed of Trust) and note (or notes) secured thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011

C.K. Investors Limited Partnership, by C.K. Investors I, LLC, an Idaho LLC, as general partner

Larry J. Kemp, Manager

State of

County of

On this 9 day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public

Residing at:

Commission Expires:

P.O. ID
7-10-2012

(SEAL)



EXHIBIT A

Parcel I

This parcel consists of the South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 01° 53' 46" East along the West boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 661.05 feet to the Northwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 89° 35' 52" East along the North boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,341.65 feet to the Northeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 01° 34' 07" West along the East boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 660.17 feet to the Southeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 89° 37' 55" West along the South boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,345.44 feet to the POINT OF BEGINNING.

EXCEPT THEREFROM that portion conveyed to the Middleton School District #134 by Quitclaim recorded May 1, 2009 as Instrument No. 2009021697, more particularly described as follows:

A tract of land situated in a portion of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found brass cap monumenting the Northwest corner of said Section 1 on the centerline of Emmett Road, which bears North 89°45'49" West a distance of 1,330.47 feet from a found 5/8-inch steel pin monumenting the West One Sixteenth Corner of said Section 1, thence following the westerly line of the Northwest One Quarter of said Section 1 and said centerline, South 01°53'47" West a distance of 1,308.90 feet to a found 5/8-inch steel pin monumenting the North One Sixteenth Corner of said Section 1;

Thence following said westerly line and said centerline, South 01°53'45" West a distance of 661.05 feet to a found 5/8-inch steel pin monumenting the northwest corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and being the POINT OF BEGINNING.

Thence leaving said westerly line and said centerline and following the northerly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 89°35'52" East a



Pioneer Title Co.

GOING BEYOND

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201104758

QUITCLAIM DEED

(Deed in Lien)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

Robert E. Watson, a married man

whose address is

4300 Los Altos Dr., Meridian, ID
83642

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 0, 34443000 0, 34443012 0 records of Canyon County, Idaho.

This deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is the sum of \$10.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Deed of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 5, 2008, and recorded October 5, 2010 as Instrument No. 2010046939, records of Canyon County, Idaho. This deed completely satisfies said mortgage (or Deed of Trust) and note (or notes) secured thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011

C.K. Investors Limited Partnership, by C.K. Investors I, LLC, an Idaho LLC, as general partner

Larry J. Kemp, Manager

State of

ID

County of

BANNOCK

ss.

On this 9 day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

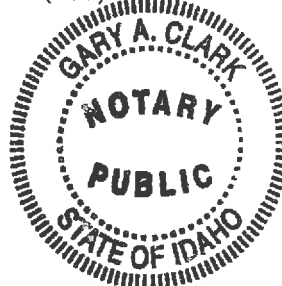
X Notary Public

Residing at:

Commission Expires:

POC ID
7-10-2012

(SEAL)



File No. 201104758

distance of 1,341.65 feet to a found 5/8-inch steel pin monumenting the northeast corner of said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence leaving said northerly line and following the easterly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter,
South $01^{\circ}34'07''$ West a distance of 30.01 feet to a point;
Thence leaving said easterly line, North $89^{\circ}35'52''$ West a distance of 1,341.82 feet to a point on the westerly line of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and on the centerline of Emmett Street;
Thence following said westerly line and said centerline, North $01^{\circ}53'45''$ East a distance of 30.01 feet to the POINT OF BEGINNING.

AND ALSO EXCEPT THEREFROM that portion condemned and taken under Judgment and Decree of Condemnation dated March 30, 2011 under Third Judicial District Case No. CV 10-9866 and recorded April 6, 2011 as Instrument No. 2011013965, more particularly described as follows:

A tract of land situated in a portion of the South One Half of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found 5/8-inch steel pin which monuments the Northwest Corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1, thence following the westerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South $01^{\circ}53'45''$ West a distance of 30.01 feet to the POINT OF BEGINNING.

Thence leaving said westerly line and following a line 30.00 feet southerly and parallel with the northerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South $89^{\circ}35'52''$ East a distance of 296.97 feet to a point;
Thence South $75^{\circ}13'51''$ West a distance of 178.83 feet to a point;
Thence South $65^{\circ}58'02''$ West a distance of 51.89 feet to a point;
Thence 14.41 feet along the arc of a circular curve to the left, said curve having a radius of 41.50 feet, a central angle of $19^{\circ}53'27''$, a chord bearing of South $56^{\circ}01'19''$ West and a chord distance of 14.33 feet to a point;
Thence 56.48 feet along the arc of a circular curve to the left, said curve having a radius of 176.50 feet, a central angle of $18^{\circ}20'10''$, a chord bearing of South $36^{\circ}54'31''$ West and a chord distance of 56.24 feet to a point;
Thence South $01^{\circ}53'45''$ West a distance of 509.41 feet to a point on the southerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence following said southerly line, North $89^{\circ}37'45''$ West a distance of 35.01 feet to a found 1/2-inch steel pin monumenting the West One Quarter corner of said Section 1;
Thence leaving said southerly line and following the westerly line of the said south One Half of the southwest One Quarter of the Northwest One Quarter, North $01^{\circ}53'45''$ East a distance of 631.04 feet to the POINT OF BEGINNING.



U.S. 30A

COMMITMENT FOR TITLE INSURANCE



Issued by Old Republic National Title Insurance Company

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

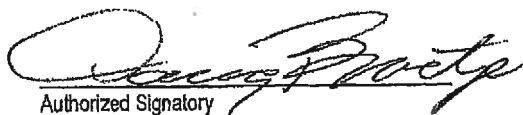
The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A. This Commitment shall not be valid or binding until countersigned by a validating officer or other authorized signatory.

Issued By:

PIONEER TITLE COMPANY OF CANYON COUNTY
610 South Kimball Avenue
Caldwell Idaho 83605



Authorized Agent for Old Republic National
Title Insurance Company


Authorized Signatory

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(512) 371-1111

By
Attest


President

Secretary

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure of the proposed Insured to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option, may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the Insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate of interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000.00 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

You may review a copy of the arbitration rules at: <http://www.alta.org/>



Pioneer Title Co.

GOING BEYOND

Pioneer Title Company is an authorized agent for and underwritten by Old Republic National Title Insurance Company.

**COMMITMENT
SCHEDULE A**

Order No. 201104758

Title Officer: Doug Broetje

Direct Line: (208) 455-7317

To: Pioneer Title Company of Canyon County
Attn: Jill Farwell
610 South Kimball Avenue
Caldwell, Idaho 83605

Direct Line: (208) 455-7312

1. Effective Date: July 29, 2011 at 7:30 A.M.

2. Policy or Policies to be issued:

Policy Amount Amount

(a) ☒ Owner's Policy

\$1,000,000.00 \$2,780.00

Proposed Insured: Robert E. Watson and Bank of Idaho Trustee for Robert E. Watson IRA
Endorsements:

(b) ☐ Loan Policy - Standard Coverage

Proposed Insured: NONE
Endorsements:

Total Title Fees: \$2,780.00
Underwriting Fees: \$ 278.00
Agent Title Fees: \$2,502.00

3. The estate or interest in the land described or referred to in this Commitment and Covered herein is:

Fee Simple

4. Title to the Fee Simple estate or interest in said land is at the effective date hereof vested in:

C.K. Investors Limited Partnership

5. The land referred to in this Commitment is described as follows:

SEE ATTACHED EXHIBIT A

File No. 201104758

EXHIBIT A

Parcel I

This parcel consists of the South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 01° 53' 46" East along the West boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 661.05 feet to the Northwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 89° 35' 52" East along the North boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,341.65 feet to the Northeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 01° 34' 07" West along the East boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 660.17 feet to the Southeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 89° 37' 55" West along the South boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,345.44 feet to the **POINT OF BEGINNING**.

EXCEPT THEREFROM that portion conveyed to the Middleton School District #134 by Quitclaim recorded May 1, 2009 as Instrument No. 2009021697, more particularly described as follows:

A tract of land situated in a portion of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found brass cap monumenting the Northwest corner of said Section 1 on the centerline of Emmett Road, which bears North 89° 45' 49" West a distance of 1,330.47 feet from a found 5/8-inch steel pin monumenting the West One Sixteenth Corner of said Section 1, thence following the westerly line of the Northwest One Quarter of said Section 1 and said centerline, South 01° 53' 47" West a distance of 1,308.90 feet to a found 5/8-inch steel pin monumenting the North One Sixteenth Corner of said Section 1;

Thence following said westerly line and said centerline, South 01° 53' 45" West a distance of 661.05 feet to a found 5/8-inch steel pin monumenting the northwest corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and being the **POINT OF BEGINNING**.

Thence leaving said westerly line and said centerline and following the northerly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 89° 35' 52" East a

File No. 201104758

distance of 1,341.65 feet to a found 5/8-inch steel pin monumenting the northeast corner of said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence leaving said northerly line and following the easterly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter,
South 01°34'07" West a distance of 30.01 feet to a point;
Thence leaving said easterly line, North 89°35'52" West a distance of 1,341.82 feet to a point on the westerly line of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and on the centerline of Emmett Street;
Thence following said westerly line and said centerline, North 01°53'45" East a distance of 30.01 feet to the POINT OF BEGINNING.

AND ALSO EXCEPT THEREFROM that portion condemned and taken under Judgment and Decree of Condemnation dated March 30, 2011 under Third Judicial District Case No. CV 10-9866 and recorded April 6, 2011 as Instrument No. 2011013965, more particularly described as follows:

A tract of land situated in a portion of the South One Half of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found 5/8-inch steel pin which monuments the Northwest Corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1, thence following the westerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 01°53'45" West a distance of 30.01 feet to the POINT OF BEGINNING.

Thence leaving said westerly line and following a line 30.00 feet southerly and parallel with the northerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 89°35'52" East a distance of 296.97 feet to a point;
Thence South 75°13'51" West a distance of 178.83 feet to a point;
Thence South 65°58'02" West a distance of 51.89 feet to a point;
Thence 14.41 feet along the arc of a circular curve to the left, said curve having a radius of 41.50 feet, a central angle of 19°53'27", a chord bearing of
South 56°01'19" West and a chord distance of 14.33 feet to a point;
Thence 56.48 feet along the arc of a circular curve to the left, said curve having a radius of 176.50 feet, a central angle of 18°20'10", a chord bearing of
South 36°54'31" West and a chord distance of 56.24 feet to a point;
Thence South 01°53'45" West a distance of 509.41 feet to a point on the southerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence following said southerly line, North 89°37'45" West a distance of 35.01 feet to a found 1/2-inch steel pin monumenting the West One Quarter corner of said Section 1;
Thence leaving said southerly line and following the westerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, North 01°53'45" East a distance of 631.04 feet to the POINT OF BEGINNING.

File No. 201104758

Parcel II

This parcel consists of the Southeast Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence North $01^{\circ} 34' 07''$ East along the West boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,320.34 feet to the Northwest corner of said Southeast Quarter of the Northwest Quarter; thence South $89^{\circ} 33' 49''$ East along the North boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,337.07 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter; thence South $01^{\circ} 12' 27''$ West along the East boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,318.59 feet to the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence North $89^{\circ} 37' 56''$ West along the South boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,345.42 feet to the POINT OF BEGINNING.

Parcel III

This parcel is a portion of Government Lot 3 of Section 1, Township 4 North, Range 3 west of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of said Government Lot 3; thence along the East boundary of said Government Lot 3, South $01^{\circ} 13' 08''$ West, 1,317.81 feet (of record South $01^{\circ} 16' 37''$ West, 1,317.90 feet) to the Southeast corner of said Government Lot 3; thence along the South boundary of said Government Lot 3, North $89^{\circ} 33' 52''$ West, 1,337.07 feet to the Southwest corner of said Government Lot 3; thence along the West boundary of said Government Lot 3, North $01^{\circ} 34' 06''$ East, 740.07 feet to a point which lies 573.31 feet South of the Northwest corner of said Government Lot 3; thence parallel with the North boundary of said Government Lot 3, South $89^{\circ} 45' 40''$ East, 380.00 feet; thence parallel with the West boundary of said Government Lot 3; North $01^{\circ} 34' 06''$ East, 573.31 feet to a point on the North boundary of said Government Lot 3; thence along said North boundary, South $89^{\circ} 45' 40''$ East, 949.13 feet to the POINT OF BEGINNING.

Maggard Richard & Arlynn Family Trust

11279 W Bridge Tower Dr.
Boise, Idaho 83709

Flower John Trust

12462 Flower Meadow Ln
Middleton Idaho 83644

Alan Rocky

23480 Hartley Ln.
Middleton Idaho 83644

W. Highlands Sub. Homeowners Assoc.

1859 S. Topaz Way Ste. 200
Meridian, Idaho 83642

Mary Rodgers

1233 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Robert Foster

1258 White Horse Ridge Dr.
Middleton, Idaho 83644

Stefanie Barcnas

1688 Spring Creek Ave.
Middleton, Idaho 83644

Charles Blair

1254 La Reata Way
Middleton, Idaho 83644

Paul McLaughlin

1276 La Reata Way
Middleton, Idaho 83644

Brigman William Boyd

29189 Sparkling Dr.
Menifee, CA 92584

Vanessa Oliveros

1318 La Reata Way
Middleton, Idaho 83644

Linda Pappas

1350 La Reata Way
Middleton, Idaho 83644

Shawn Maybon

1382 La Reata Way
Middleton, Idaho 83644

Steven Thompson

1931 Stallion Springs Ave.
Middleton, Idaho 83644

Patrick Lumaye

1909 Stallion Springs Ave.
Middleton, Idaho 83644

Randy Burbank

1885 Stallion Springs Ave.
Middleton, Idaho 83644

Pennie Ellsworth

204 Targhee St.
Middleton, Idaho 83644

Chad Gates

1837 Stallion Springs Ave.
Middleton, Idaho 83644

Jeffrey Howard

1351 Stallion Springs Way
Middleton, Idaho 83644

Jaime Barker

1333 Stallion Springs Way
Middleton, Idaho 83644

Christopher Morrison

1317 Stallion Springs Way
Middleton, Idaho 83644

Daniel Hoover

1316 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Robin Morante

1338 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Nicholas Dockett

1354 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Kenneth Gregg

1771 Mustang Mesa Ave.
Middleton, Idaho 83644

Justin Van Vleck

1743 Mustang Mesa Ave.
Middleton, Idaho 83644

Hyrum Conrad

1721 Mustang Mesa Ave.
Middleton, Idaho 83644

Daniel Sager

1254 Stallion Springs Way
Middleton, Idaho 83644

Gary Cummings

1278 Stallion Springs way
Middleton, Idaho 83644

Don & Shari Chandler

1320 Stallion Springs way
Middleton, Idaho 83644

Bryson Thomas
1320 Stallion Springs way
Middleton, Idaho 83644

Kyle Rayworth
1323 La Reata Way
Meridian, Idaho 83642

Gary Bonzelet
1269 La Reata Way
Middleton, Idaho 83644

Tyler Rimbey
1279 Stallion Springs Way
Middleton, Idaho 83644

Vincent Kruszewski
1283 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Bruce Jenkins
1353 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Brian Seidel
1290 White Horse Ridge
Middleton, Idaho 83644

Colby Anderson
1638 Spring Creek Ave.
Middleton, Idaho 83644

Nicolas Bullock
1289 White Horse Ridge Dr.
Middleton, Idaho 83644

Bruce Lytle
1682 Mustang Mesa Place
Middleton, Idaho 83644

Nathan Bastian
11348 Stallion Springs way
Middleton, Idaho 83644

Bradley Hunt
1299 La Reata Way
Middleton, Idaho 83644

Lee & Karen Swanson Trust
1256 Horseshoe Canyon
Middleton, Idaho 83644

Jonathan Yorgason
1257 Stallion Springs Way
Middleton, Idaho 83644

Ronald Goff
1297 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Jason Abel
1320 White Horse Ridge
Middleton, Idaho 83644

Richard Vaughn
1270 White Horse Ridge
Middleton, Idaho 83644

Camille Thomas
1635 Spring Creek Ave.
Middleton, Idaho 83644

Aaron Budge
1301 White Horse Ridge Dr.
Middleton, Idaho 83644

Michael Loney
1650 Mustang Mesa Place
Middleton, Idaho 83644

John Nichols
1347 La Reata Way
Middleton Idaho 83644

Amelia Rasmussen
1281 La Reata Way.
Middleton, Idaho 83644

Ciriaco Franks
1280 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Chad Broughey
1247 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Mark Thompson
1321 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Dennis Stokes
1300 White Horse Ridge
Middleton, Idaho 83644

Baldes Marie Living Trust
1656 Spring Creek Ave.
Middleton, Idaho 83644

Jason Slade
1673 Spring Creek Ave.
Middleton, Idaho 83644

Mason Plaisted
1319 White Horse Ridge Dr.
Middleton, Idaho 83644

John Scaggs
1642 Mustang Mesa Place
Middleton, Idaho 83644

Freddie Poole

1628 Mustang Mesa Place
Middleton, Idaho 83644

Bryan Kremer

1610 Mustang Mesa Place
Middleton, Idaho 83644

Adam Risko

1600 Mustang Mesa Place
Middleton, Idaho 83644

Earl Priest

1576 Mustang Mesa Place
Middleton, Idaho 83644

Ryan Sigler

1560 Mustang Mesa Place
Middleton, Idaho 83644

Rylan Chan

1557 Mustang Mesa Place
Middleton, Idaho 83644

Lawrence Campagnano

1575 Mustang Mesa Place
Middleton, Idaho 83644

Bonny McCoy

1591 Mustang Mesa Place
Middleton, Idaho 83644

Scott Brown

1603 Mustang Mesa Place
Middleton, Idaho 83644

Jessica Walston

1625 Mustang Mesa Place
Middleton, Idaho 83644

Mathew Davis

1172 S. Main st. No. 236
Salinas, CA 93901

Delbert Cornett

1661 Mustang Mesa Place
Middleton, Idaho 83644

Dana Furrow

1679 Mustang Mesa Place
Middleton, Idaho 83644

Don Frickey

24 Ord Blvd.
Nampa, ID 83651

Aleta Vandermeer

1701 Mustang Mesa Place
Middleton, Idaho 83644

Geoffrey Case

1711 Mustang Mesa Place
Middleton, Idaho 83644

Brant Caldwell

1563 Big Horn Ave.
Middleton, Idaho 83644

Ramiro Espinoza

1386 Cimarron Ct.
Middleton, Idaho 83644

Bruce Mills

1291 Cimarron Ct.
Middleton, Idaho 83644

Michael Whittinghill

1311 Cimarron Ct.
Middleton, Idaho 83644

Jason Spickelmire

1387 Cimarron Ct.
Middleton, Idaho 83644

Joseph Baldes

1360 Big horn Ct.
Middleton, Idaho 83644

Brian Smith

1288 Big Horn Ct.
Middleton, Idaho 83644

Neal Scott

1355 Big Horn Ct.
Middleton, Idaho 83644

Mandy Waltemate

1389 Big Horn Ct.
Middleton, Idaho 83644

Bobby Harris

1427 Big Horn Ct.
Middleton, Idaho 83644

Stephen Jenkins

1471 Big Horn Ct.
Middleton, Idaho 83644

Eduardo Martinez

1509 Big Horn Ct.
Middleton, Idaho 83644

Larry Thompson

1541 Big Horn Ct.
Middleton, Idaho 83644

James Payne

23546 Hartley Ln.
Middleton, Idaho 83644

Gary Gliege
12917 Okie Ridge
Middleton, Idaho 83644

Paul Okamura
23107 Hartley Ln.
Middleton, Idaho 83644

Nathan Arrasmith
12981 Okie Ridge
Middleton, Idaho 83644

Paul Waton
PO Box 545
Middleton, Idaho 83644

Middleton School Dist. 134
5 S. 3rd Ave. W.
Middleton, Idaho 83644

City of Middleton
PO Box 487
Middleton, Idaho 83644

Kenneth Mortensen
23854 Emmett Rd.
Caldwell, Idaho 83607

Brent Heck
13168 Greenwell Ln.
Caldwell, Idaho 83607

Greg Nightingale
23553 Emmet Rd.
Caldwell, Idaho 83607

Bradley Green
23547 Emmet Rd.
Caldwell, Idaho 83607

Brice Reese
13247 Greenwell Ln.
Caldwell, Idaho 83607

Jerry Merritt
13107 Greenwell Ln.
Caldwell, Idaho 83607

Ralph Patnaude
13271 Greenwell Ln.
Caldwell, Idaho 83607

Mark Warren
13105 Greenwell Ln.
Caldwell, Idaho 83607

Aaron Spoor
13279 Greenwell Ln
Caldwell, Idaho 83607

Jay Walker
849 E State St. Ste. 104
Eagle, Idaho 83616

Jay Walker
849 E State St. Ste. 104
Eagle, Idaho 83616

Jay Walker
849 E State St. Ste. 104
Eagle, Idaho 83616

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Jay Walker
849 E State St. Ste. 104
Eagle, Idaho 83616

**NOTICE OF PUBLIC HEARING
CITY OF MIDDLETON, IDAHO**

The Middleton Planning and Zoning Commission is scheduled to hold a public hearing at 7:00 p.m. on Monday, April 8, 2019, 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

A request by KCRJ, LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

A request by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-2-3: reduce side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

Everyone is invited to attend and comment at the hearing. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Official, 1103 W. Main Street, Middleton, ID 83644.

Please Publish: Tuesday, March 19, 2019

Please send Affidavit of Publication to:

Dawn Dalton, Deputy Clerk
City of Middleton
P.O. Box 487
Middleton ID 83644

Thank you.



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citmid@middletoncity.com

www.middleton.id.gov

March 20, 2019

Re: Notice of Public Hearing

Political subdivisions of the State of Idaho providing services to the properties:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at **7:00 p.m. on Monday, April 8, 2019**, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application from KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

An application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1, Table 2, by reducing minimum interior side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Crofts".

Becky Crofts
City Administrator



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citmid@middletoncity.com

www.middleton.id.gov

March 20, 2019

Re: Notice of Public Hearing

Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at **7:00 p.m. on Monday, April 8, 2019**, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1, Table 2, by reducing minimum interior side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

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City Administrator



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*Posted 3/28/2019 DTEAH
Flyer for Posting Box*

March 28, 2019

Re: Notice of Public Hearing

Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at **7:00 p.m. on Monday, April 8, 2019**, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1, Table 2, by reducing minimum interior side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Becky Crofts". The signature is written in a cursive style.

Becky Crofts
City Administrator

Darin Taylor

From: Becky Crofts
Sent: Friday, March 22, 2019 9:56 PM
To: Darin Taylor
Subject: Fwd: Stonehaven Special Use Permit

Sent from my iPhone

Begin forwarded message:

From: Shawn Maybon <shawn@maybonlaw.com>
Date: March 22, 2019 at 4:47:47 PM MDT
To: Randall Falkner <rfalkner@middletoncity.com>, <bcrofts@middletoncity.com>
Subject: Re: Stonehaven Special Use Permit

City Staff:

Today, I received notice that Stonehaven had applied for a special use permit to adjust the side setbacks within its platted subdivision. The application was based on Middleton Code 1-15-7, Special Use Permits.

I will try and refrain from going into exhausting detail. A setback is a standard not a use. A special use permit is not allowed to adjust setbacks in the City of Middleton (although the P&Z has allowed such action). If the city desired to have setbacks adjusted with special use permits, the language in the ordinance should be consistent with that intent - it is not.

A special use permit is to allow a use in a zone where a use is not typically allowed. For example, a coffee shop (commercial use) in the Stonehaven Subdivision (residential zone). In such a case, a special use permit is applicable. If a home (a residential use) desires to decrease setbacks, it is still a residential use in a residential zone - an allowed use. An allowed use needs no special use permit. Stonehaven's use is residential and is allowed - the use is allowed before and after the setback adjustments.

Also, special use permits are restrictive. The restrictions give the city the ability to provide harmony with surrounding areas or to add additional restrictions to offset the special use - not to merely allow exceptions to the code.

Whether I think five foot setbacks are ideal or not, I plan on challenging any approval of Stonehaven's special use permit as non-compliant with Middleton City Code. With that said, does the city have an appeal form that is used for appealing P&Z decisions or do I draft my own? What is the current cost of the appeal and can I prepay?

I appreciate your time.

Sincerely,

Shawn C. Maybon, Esq.

The Law Offices of Maybon, PLLC

P.O. Box 1084

107 S. Kimball, Ste. 205

Caldwell, Idaho 83606

Direct Telephone Line (208) 454-2974

Facsimile (208) 965-8478

shawncmaybon@gmail.com

CONFIDENTIALITY NOTICE: This email is intended only for the personal and confidential use of the individual(s) named as recipients and is covered by the Electronic Communications Privacy Act, 18 U.S.C. § § 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in the reliance on the information it contains.

The Law Offices of Maybon, PLLC

(208) 454-2974



Idaho Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6512. SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES. (a) As part of a zoning ordinance each governing board may provide by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for special or conditional use permits. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Denial of a special use permit or approval of a special use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with requirements established thereby.

(b) Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Each local government is encouraged to post such notice on its official websites, if one is maintained. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall be posted on the premises not less than one (1) week prior to the hearing. Notwithstanding jurisdictional boundaries, notice shall also be provided to property owners or purchasers of record within the land being considered, three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission, provided that in all cases notice shall be provided individually by mail to property owners or purchasers of record within the land being considered and within three hundred (300) feet of the external boundaries of the land being considered and provided further that where a special use permit is requested by reason of height allowance that notice shall be provided individually by mail to property owners or purchasers of record within no less than three (3) times the distance of the height of the allowed height of a structure when more than one hundred (100) feet and within no less than one (1) mile when the peak height of a structure in an unincorporated area is four hundred (400) feet or more and, when four hundred (400) feet or more, the structure's proposed location and height shall be stated in the notice. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board.

(c) When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

(d) Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:

- (1) Minimizing adverse impact on other development;
- (2) Controlling the sequence and timing of development;
- (3) Controlling the duration of development;
- (4) Assuring that development is maintained properly;
- (5) Designating the exact location and nature of development;
- (6) Requiring the provision for on-site or off-site public facilities or services;
- (7) Requiring more restrictive standards than those generally required in an ordinance;
- (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

(e) Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.

* (f) In addition to other processes permitted by this chapter, exceptions or waivers of standards, other than use, inclusive of the subject matter addressed by section 67-6516, Idaho Code, in a zoning ordinance may be permitted through issuance of a special use permit or by administrative process specified by ordinance, subject to such conditions as may be imposed pursuant to a local ordinance drafted to implement subsection (d) of this section.

History:

[67-6512, added 1975, ch. 188, sec. 2, p. 515; am. 1985, ch. 141, sec. 2, p. 385; am. 1992, ch. 269, sec. 5, p. 835; am. 1999, ch. 396, sec. 10, p. 1107; am. 2003, ch. 142, sec. 2, p. 412; am. 2011, ch. 89, sec. 4, p. 195; am. 2012, ch. 334, sec. 1, p. 926; am. 2012, ch. 334, sec. 2, p. 928; am. 2014, ch. 93, sec. 6, p. 257.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

★ 67-6518. STANDARDS. Each governing board may adopt standards for such things as: building design; blocks, lots, and tracts of land; yards, courts, greenbelts, planting strips, parks, and other open spaces; trees; signs; parking spaces; roadways, streets, lanes, bicycleways, pedestrian walkways, rights-of-way, grades, alignments, and intersections; lighting; easements for public utilities; access to streams, lakes, and viewpoints; water systems; sewer systems; storm drainage systems; street numbers and names; house numbers; schools, hospitals, and other public and private development.

Standards may be provided as part of zoning, subdivision, planned unit development, or separate ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code.

Whenever the ordinances made under this chapter impose higher standards than are required by any other statute or local ordinance, the provisions of ordinances made pursuant to this chapter shall govern.

History:

[67-6518, added I.C., sec. 67-6518, as added by 1975, ch. 188, sec. 2, p. 515.]

How current is this law?

Search the Idaho Statutes and Constitution



ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Stonehaven Subdivision – Exception from Side Setback Standards

SUMMARY OF APPLICATION

An application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1 Table 2 by reducing the minimum side setback from 10 feet to five feet on all residential lots. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

Applicant: WTW Development
P.O. Box 545
Middleton, Idaho 83644

Representative: Paul Watson
WTW Development
P.O. Box 545
Middleton, Idaho 83644

1. **APPLICATION:** The application was accepted by the City on March 5, 2019.
2. **NOTICE OF PUBLIC HEARING:**
Published notice Idaho Press Tribune: March 19, 2019
Letters to Agencies: March 20, 2019
Letters to Landowners within 300': March 20, 2019
Property Posted: March 28, 2019
3. **APPLICABLE CODES AND STANDARDS:**
Idaho Code Title 67-6512(f) and 67-6512
Middleton City Code (MCC) 1-14-1, -2 and -4; 1-15-2 and -7; and 5-4-1 Table 2
4. **PLANNING AND ZONING REVIEW COMMENTS:**

A. The city council approved the preliminary plat for Stonehaven Subdivision on May 16, 2018. Phase 1 is under construction. The city issued an Infrastructure

Construction Plan Permit on February 22, 2019 authorizing construction of Phase 2 infrastructure, and the preconstruction meeting is scheduled on April 10, 2019.

B. **Written Agency Responses Received to Date:** none.

C. **Written Property Owners Responses Received to Date:** An e-mail was received on March 22, 2019 from Shawn Maybon challenging the process of using "a special use permit to adjust the side setbacks within its platted subdivision." and stated in pertinent part, "A special use permit is not allowed to adjust setbacks in the City of Middleton

Idaho Code 67-6512(f) states in pertinent part,

In addition to other processes permitted by this chapter, exceptions or waivers of standards, other than use, ... in a zoning ordinance may be permitted through issuance of a special use permit or by administrative process specified by ordinance.....

Building setback standards are in Middleton's zoning ordinance codified at Middleton City Code (MCC) 5-4-1 Table 2.

MCC 1-15-2(A) states, "Exceptions or waivers of standards, other than land use, may be approved through one of the following public hearing processes: 1. Special Use Permit."

5. CONCLUSION

The special use permit process to except or waive standards is authorized by Idaho Code and Middleton City Code. It is the Planning and Zoning Commission's decision whether or not to approve the application and reduce side setbacks in Stonehaven Subdivision (243 residential lots).

 Drafted by: Darin Taylor
Date: April 5, 2019



Idaho Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6512. SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES. (a) As part of a zoning ordinance each governing board may provide by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for the processing of applications for special or conditional use permits. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Denial of a special use permit or approval of a special use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with requirements established thereby.


(b) Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Each local government is encouraged to post such notice on its official websites, if one is maintained. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall be posted on the premises not less than one (1) week prior to the hearing. Notwithstanding jurisdictional boundaries, notice shall also be provided to property owners or purchasers of record within the land being considered, three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission, provided that in all cases notice shall be provided individually by mail to property owners or purchasers of record within the land being considered and within three hundred (300) feet of the external boundaries of the land being considered and provided further that where a special use permit is requested by reason of height allowance that notice shall be provided individually by mail to property owners or purchasers of record within no less than three (3) times the distance of the height of the allowed height of a structure when more than one hundred (100) feet and within no less than one (1) mile when the peak height of a structure in an unincorporated area is four hundred (400) feet or more and, when four hundred (400) feet or more, the structure's proposed location and height shall be stated in the notice. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board.

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- (4) Assuring that development is maintained properly;
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- (6) Requiring the provision for on-site or off-site public facilities or services;
- (7) Requiring more restrictive standards than those generally required in an ordinance;
- (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

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 (f) In addition to other processes permitted by this chapter, exceptions or waivers of standards, other than use, inclusive of the subject matter addressed by section 67-6516, Idaho Code, in a zoning ordinance may be permitted through issuance of a special use permit or by administrative process specified by ordinance, subject to such conditions as may be imposed pursuant to a local ordinance drafted to implement subsection (d) of this section.

History:

[67-6512, added 1975, ch. 188, sec. 2, p. 515; am. 1985, ch. 141, sec. 2, p. 385; am. 1992, ch. 269, sec. 5, p. 835; am. 1999, ch. 396, sec. 10, p. 1107; am. 2003, ch. 142, sec. 2, p. 412; am. 2011, ch. 89, sec. 4, p. 195; am. 2012, ch. 334, sec. 1, p. 926; am. 2012, ch. 334, sec. 2, p. 928; am. 2014, ch. 93, sec. 6, p. 257.]

How current is this law?

Search the Idaho Statutes and Constitution

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL DECEMBER 20, 2017

The regular meeting of the Middleton City Council on December 20, 2017 was called to order by Mayor Darin Taylor at 6:32 p.m.

Roll Call: Council President Riccio and Council Members Carrie Huggins, Rob Kiser, and Beverlee Furner were present.

Mayor Taylor introduced the following City officials in attendance: City Attorney Chris Yorgason, Deputy City Clerk Dawn Dalton, and Planning and Zoning Official Randall Falkner.

Motion: Motion by Council President Riccio to accept the amended agenda as posted was seconded by Council Member Kiser and carried unanimously.

Administrative Action/Consent Agenda:

Consider ratifying payroll related expenses for Dec. 1, 2017 in the amount of \$65,647.03 and accounts payable for Dec. 9, 2017 in the amount of \$110,121.

Motion: Motion by Council President Riccio to approve the consent agenda was seconded by Council Member Furner and carried unanimously.

New Business:

Consider consenting to Canyon Highway District No. 4 vacating a 15-foot right-of-way along the east boundary of Lot 37 of Lemp Park Urban Tracts Subdivision (1913), also described as the easterly 15-feet of the NW1/4 Section 10 T4N R2W lying north of Highway 44, except the north 50 feet to be retained for future Cornell St. south half-road right-of-way pursuant to Middleton City Code 6-3-2(D)(1).

Motion: Motion by Council President Riccio to consent to Canyon Highway District No. 4 vacating a 15-foot right-of-way along the east boundary of Lot 37 of Lemp Park Urban Tracts Subdivision (1913), also described as the easterly 15-feet of the NW1/4 Section 10 T4N R2W lying north of Highway 44, except the north 50 feet to be retained for future Cornell St. south half-road right-of-way pursuant to Middleton City Code 6-3-2(D)(1) was seconded by Council Member Kiser and carried unanimously.

Consider approving Ord. 601, a request by Paul and Janet Okamura to annex and zone approximately five acres of real property abutting State Highway 44 approximately 1,000 feet west of Hartley Lane.

RECORD OF PROCEEDINGS

Mayor Taylor presented the item and turned the floor over to City Planner Randall Falkner who gave the staff report. Mayor Taylor then declared the public hearing open.

Penelope Riley from Riley Planning Services addressed the council. Ms. Riley expressed that the project team and applicants have reviewed the presented staff report and agree with the findings as presented to council regarding the applications presented before them. The recommendations present a C-3 zone where the original proposal was a C-2 zone, but the applicants do agree with the zoning change recommended by the staff. The reasoning behind only using 5 acres is that the applicant and underlying users agree that this is all that is needed for the Tractor Supply store and that by annexing only this amount of the parcel, that allows that remaining land to be farmed until further expansion is needed.

Resident Shawn Mayben addressed the council and stated that he felt the zoning did not need to be a C-3 zone if the applicant was originally asking for it to be classified as a C-2 zone. Mayor Taylor declared the public hearing portion of the meeting closed.

Motion: Motion by Council President Riccio to read Ordinance 601 by title only with C-2 zoning was seconded by Council Member Kiser and carried unanimously. Mayor Taylor read Ordinance 601 by title only. Motion by Council President Riccio to waive the three-reading rule and approve Ordinance 601 was seconded by Council Member Kiser and carried unanimously by roll call vote.

Consider approving the Sawtooth Lake Subdivision preliminary plat on approximately 23 acres of real property zoned mixed use and located on the north side of Sawtooth Lake Dr. on the west side of Middleton Road.

Mayor Taylor declared the public hearing open for this item. Council President Riccio disclosed that the applicant donated to his 2017 re-election campaign, and that he was unbiased and able to consider this application in a fair manner. Council concurred that President Riccio would be unbiased.

Mayor Taylor turned the floor over to Planning and Zoning Official Randall Falkner who gave the staff report. Mayor Taylor called for a brief break at 7:29 p.m. and resumed the meeting at 7:35 p.m.

Applicant-representative David Sterling of T-O Engineers gave a brief history about the developer and development of the subject property. He brought to the council's attention three issues that need addressed for the project to move forward: first, that the roadway widths be reduced from 39 feet to 33 feet from back to curb to back to curb; second, that the road radius be reduced from 125 feet to 50 feet; and third, side yard setbacks be reduced from 12 feet to 5 feet.

Tim Mokwa of Hayden Homes described the company and its past and pending construction history in the valley. He spoke in favor of the 5-foot side setbacks.

RECORD OF PROCEEDINGS

Mayor Taylor described the proposed plat in relation to future development of land north and south of the plat, and in relation to future Middleton Rd. re-alignment and River St. construction.

Middleton Lakes Subdivision resident Don Reynolds stated that he is excited for this project, thinks that it is good for the community, does not have any problems with the request for 5-foot side setbacks. He also voiced concerns that there are no recreational spaces in the subdivision and that three straight streets of roof lines turns it into a tract-housing feeling instead of a neighborhood feeling. Mr. Reynolds was concerned regarding traffic onto Middleton Road with 200 plus new homes and residents.

Middleton Lakes Subdivision resident Wes Spears said he liked the proposed plat and did not have a problem with the request for 5-foot side setbacks. He said he would much rather have the proposed subdivision of quality-construction, single-family dwellings than have apartments or four-plexus. He also addressed concerns regarding turning left from Middleton Road onto Sawtooth Lake Dr. and that it needs to be addressed as a safety issue by the builders.

Middleton Lakes Subdivision resident Russell Morgan voiced his concerns about the possibility of non-single-family homes, and preferred the proposed subdivision to apartments. He stated that the subject property is the first thing people see when heading into Middleton after crossing the bridge and mixed-use or larger buildings concern him, as does the resale value of homes with smaller setbacks.

Middleton Lakes Subdivision resident Mark White stated a higher density does not give Middleton the small-town-feel that everyone including the council wants to keep in the city. He also voiced support for a left-hand turn lane from Middleton Rd. onto Sawtooth Lake Dr. to help with already dense traffic issues in that area.

Middleton Lakes Subdivision resident Jaqueline Gunerson said she was in favor of a left- turn lane to help control traffic issues at the Middleton Rd./Sawtooth Lake Dr. intersection.

Applicant-representative David Sterling addressed resident concerns and answered council's questions. Mayor Taylor asked Mr. Sterling how the applicant felt about each of the following potential conditions of approval, and Mr. Sterling responded that they were all acceptable to the applicant: minimum lot widths be adjusted from city code to match proposed plat; road widths and radii be adjusted from city standards to match the proposed plat; compliance with items listed in the city engineer's December 20, 2017 letter; the applicant pay its four percent proportionate share to design and construct a left-turn lane from Middleton Road onto Sawtooth Lake Dr.; a fence around the perimeter of the subdivision rather than around each phase; two monument signs, one at the entrance from Crane Cr. Way and one from Sawtooth Lake Dr.; and take over and maintain the irrigation and landscaping along Sawtooth Lake Drive east of Crane Cr. Way.

RECORD OF PROCEEDINGS

Mayor Taylor closed the public-comment portion of the public hearing, declared a recess at 9:27 p.m., and resumed the meeting at 9:31 p.m.

Motion: Motion by Council President Riccio, seconded by Council Member Kiser and carried unanimously, to approve the Sawtooth Lake Subdivision preliminary plat with the following conditions of approval:

1. Planning and Zoning Commission's recommended conditions described in its Decision dated December 11, 2017, except the buffer between residential and commercial, mixed-use and transit-oriented land uses;
2. Revise the preliminary plat and provide information described in the City Engineer Civil Dynamics' December 20, 2017 Memorandum;
3. Houses in the subdivision go through design review;
4. Pay to the city the applicant's proportionate share of costs to design and construct a left-turn lane from Middleton Road onto Sawtooth Lake Dr. (the traffic impact study identifies the applicant's proportionate share is four percent (4%));
5. Construct one monument sign at the subdivision entrance from Crane Cr. Way and one monument sign at the subdivision entrance from Sawtooth Lake Dr.;
6. Construct a fence at the perimeter of the subdivision;
7. Take over and maintain irrigation and landscaping along Sawtooth Lake Drive east of Crane Cr. Way to Middleton Road; and
8. Reduced street widths, radii, lot widths as shown on the preliminary plat;
9. Side setbacks reduced to five feet; and
10. Construct a pathway to city standards from Phase 3 to Middleton Rd.

Motion: Motion by Council President Riccio to clarify to all side setbacks are reduced to a five-foot minimum was seconded by Council member Furner and carried unanimously by roll-call vote. Mayor Taylor closed the public hearing (see attachments).

Consider approving Resolution No. 407-17, an amendment to the comprehensive plan text and maps to include a River District and restaurant, retail and recreation (RRR) areas.

Mayor Taylor introduced the item, declared the public hearing open, described the proposed map changes and read the proposed text changes. No-one in the audience

RECORD OF PROCEEDINGS

wanted to comment on this item, and Mayor Taylor closed the public-comment portion of the hearing.

Motion: Motion by Council President Riccio to approve resolution No. 407-17, an amendment to the comprehensive plan text and maps to include a River District and restaurant, retail and recreation (RRR) area was seconded by Council Member Kiser and carried unanimously. Mayor Taylor closed the public hearing.

Consider approving Ord. 600 amending Titles 5 and 6 of the Middleton City Code to remove the R-4 and R-4T zones; add a restaurants, retail and recreation (RRR) zone; modify the land use schedule (Table 1) and the height, setback and coverage schedule (Table 2) to add RRR zone allowed and permitted uses and standards while removing those for the R-4 and R-4T zones; change wireless telecommunication facility (cell tower) from allowed to conditional use permitted in all zones; delete the requirement to install dry sewer and water lines in subdivisions not contiguous to city limits; delete the requirement to submit a grading and drainage plan as part of design review; and other minor changes.

Mayor Taylor introduced the item, declared the public hearing open, and described proposed text changes. Council's questions and concerns followed.

Resident Jennica Reynolds voiced her agreement with Council Member Furner on not excluding all medical practices. No-one else in the audience wanted to comment on this item, and Mayor Taylor closed the public-comment portion of the hearing.

Motion: Motion by Council President Ricco to read Ordained 600 by title only was seconded by Council Member Kiser and carried unanimously. Mayor Taylor read Ordinance 600 by title only. Motion by Council President Ricco to waive the three reading rule and approve Ord. 600 amending Titles 5 and 6 of the Middleton City Code to remove the R-4 and R-4T zones; add a restaurants, retail and recreation (RRR) zone; modify the land use schedule (Table 1) and the height, setback and coverage schedule (Table 2) to add RRR zone allowed and permitted uses and standards while removing those for the R-4 and R-4T zones; change wireless telecommunication facility (cell tower) from allowed to conditional use permitted in all zones; delete the requirement to install dry sewer and water lines in subdivisions not contiguous to city limits; delete the requirement to submit a grading and drainage plan as part of design review; and other minor changes was seconded by Council Member Kiser and carried unanimously by roll call vote. Mayor Taylor closed the public hearing.

RECORD OF PROCEEDINGS

Council Comments: Council President Ricco wanted to thank Mayor Taylor for his council memo.

Public Comments: none.


Department Comments: none.

Adjourn:

Motion: Motion to adjourn by Council President Riccio was seconded by Council Member Furner and carried unanimously. Meeting adjourned at 10:25 p.m.

ATTEST:


Mayor Darin Taylor


Dawn M. Dalton, Deputy City Clerk
Approved: January 3, 2018





December 20, 2017

TO: Randall Faulkner, Zoning Official

FROM: Civil Dynamics PC, Amy Woodruff, PE,
City Engineer

A handwritten signature in black ink, likely belonging to Amy Woodruff, PE.

RE: Sawtooth Lake Subdivision - Preliminary Plat

Thank you for the opportunity to review the second submittal for the above referenced preliminary plat submittal. Below is a summary of items noted during the review:

MCC 6-2-2:A.2.1 The boundary isn't labeled in places or doesn't match the legal description submitted.

MCC 6-2-2:A.2.p. Designation of all land to be used for a common purpose and designate the purpose, including the intended beneficiary and the person or entity responsible to maintain the property.

MCC 6-3-2:J.2. Coordinate with City to correct road names.

MCC 6-3-5:B.5. Side lot line easement of 5 ft required or confirmed with the City it is not required. Please add note.

MCC 6-3-7.A. Pathway lots to be dedicated to the City. Please confirm with the City whether pathway connection needs to be made to Middleton Road.

General comments:

1. MCC 6-3-2:H. and the requested centerline variance/proposed centerline radius of 50'. Please provide the maximum radius of vehicle path and verify the maximum size of vehicle/truck that can navigate the 90 degree/50 ft radius corner with cars parked on both sides and a car traveling in opposite lane.
2. Please revise the street structural section to be in conformance with Middleton Supplemental Standard 3/6/15.
3. Please confirm with a note on the plat or other that Sawtooth Lakes/Baserri can construct/dedicate as needed to extend Alpine Lake Drive to Crane Creek.



CITY OF MIDDLETON

Planning and Zoning Commission

In Re:

Sawtooth Subdivision
November 13, 2017 Application
December 11, 2017 Hearing

**Findings of Fact,
Conclusions of Law,
Decision and Order**

SUMMARY OF THE REQUEST

A request to approve a preliminary plat consisting of 102 residential lots on approximately 23 acres of vacant land in a mixed-use zone. The property is located west of Middleton Road, east of Crane Creek Way, and north of Sawtooth Lake Drive.

FINDINGS OF FACT

1. **APPLICANT:** The applicant is Premier Industrial, LLC and Baserri, LLC.
2. **APPLICATION:** The application was received and accepted by the City on November 13, 2017.
3. **NOTICE OF PUBLIC HEARING:** Notice of the public hearing before the Planning and Zoning Commission was published, mailed and posted as follows:

Published notice Idaho Press Tribune:	November 24, 2017
Letters mailed to property owners within 300':	November 27, 2017
Letters mailed to agencies providing services:	November 27, 2017
Property posted in four locations:	December 1, 2017

4. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
 - Idaho Code Title 67, Chapter 65
 - Middleton City Code, Title 6, Chapter 2, 3 and 4
 - Idaho Standards for Public Works Construction (ISPWC)
 - Middleton Supplement to the ISPWC



CITY OF MIDDLETON

Planning and Zoning Commission

5. A neighborhood meeting was held on site along Sawtooth Lake Drive, halfway between Middleton Road and Crane Creek Way on November 17, 2017 at 6:00 p.m. There was no opposition to the project, according to the representative for the project.
6. The request is consistent with the following policies in the Comprehensive Plan: Transportation Goal 2: Provide a variety of safe transportation services and facilities throughout the City for vehicles, pedestrians, bicycles and transit. Objective A: Plan and develop a safe system of roads, bike lanes, sidewalks and pathways; Objective B: Reduce vehicle congestion and encourage walking and bicycling; Strategy 3: Establish sidewalks in subdivisions and provide pedestrian crossings at intersections; Parks and Recreation Goal 9: Locate and design parks, open spaces, recreational facilities and public facilities that encourage physical activity. Objective A: Improve and expand the recreational opportunities of all citizens; Housing Goal 10: Allow dwelling types that match residents' lifestyles; Objective A: Provide a variety of housing types and lot sizes for residents; Strategy 2: Encourage multifamily and higher density housing near schools, transit stations and commercial areas; Goal 21: Establish interesting gathering places that encourage walkability and promote good health and positive social interaction: Strategy 5: Locate places of residence near destinations such as parks, walking paths, trails and waterfront recreation areas to foster physical activity. The request is consistent with these policies because it provides a variety of transportation options, including roads, sidewalks, pathways, a pedestrian crossing, and connections to open spaces (shown as common lots) and waterfront recreation areas (the city plans to build a river district recreation area just north of the Boise river in the near future). The request also provides a variety of lot sizes and encourages higher density housing near commercial areas and transit stations. A future transit station and line is proposed in the area north of the subject site.
7. The applicant is requesting that side setbacks be reduced from 12 to 10 feet along the north boundary and along all pathways. Ten foot setbacks are currently what are required in the R-3 (Single Family Residential) zone. Middleton Lakes subdivision to the west is zoned R-3. In addition, the applicant is proposing all other internal side setbacks be reduced from 12 to 5 feet. The



CITY OF MIDDLETON

Planning and Zoning Commission

request for 5 foot side setbacks are not entirely consistent with the following policies in the Comprehensive Plan: Land Use Goal 3: Promote a quality of life based on the health, safety and general welfare of residents with minimal nuisances; Population Goal 13: Preserve a high quality of life and livability in Middleton; and Community Design Goal 19: Preserve and enhance the unique small-town character of Middleton. The request for a reduction to 5 foot setbacks is problematic because it put homes very close together and reduces privacy. Noise, odor, light, and vibrations are more intense when homes are closer together. In addition, the lot width of the majority of the lots is only 50 feet. The recommendation to reduce internal side setbacks from 12 to 5 feet could disturb the peace, quiet, comfort and well-being of future residents in this subdivision. City staff recommends internal side setbacks be reduced from 12 to 10 feet, instead of the requested 5 feet.

8. No comments from adjacent property owners have been received.

CONCLUSIONS OF LAW

Notice of the application and public hearing was given according to law. The Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.

DECISION

The Planning & Zoning Commission recommends that the City Council approve the preliminary plat with the following conditions:

- ① Identify and label pedestrian pathway throughout the subdivision.
- ② Insert the word "micro" before the words "fiber mesh", so it reads "concrete sidewalk w/micro fiber mesh" on both the Local Roadway Typical Section – 44' ROW and City of Middleton Local Roadway Typical Section – 50' ROW.

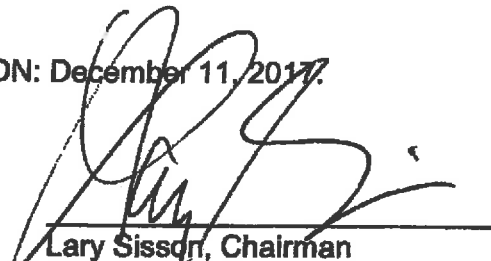


CITY OF MIDDLETON

Planning and Zoning Commission

- ① The portion of Barron Lakes Way that is not 44 foot right-of-way should be identified and labeled with proposed right-of-way.
- ② Add the word "Lake" in between the words "Sawtooth" and "Drive" for Note number 6.
- ✓ • Rename the street labeled "Alturus Lake Way" since there is already a street in the city named "S. Alturas Lake Place".
- ✓ • Identify and label existing and proposed fire hydrants throughout the site.
- ① • Ensure that a buffer is provided between residential and commercial land uses when the commercial lot along Middleton Road is developed in the future. The buffer can be a combination of the following: solid fence or wall, berm, and landscaping.
- Make changes as shown in letter from City Engineer, see attached letter.

WRITTEN DECISION APPROVED ON: December 11, 2017.


Lary Sisson, Chairman
Planning and Zoning Commission

Attest:


Randall Falkner
Planning and Zoning Official

D



CITY OF MIDDLETON

P O Box 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV



Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 150.00 XBP*59158150

Application Accepted by: Demi Taylor

Date Application Accepted: 4/4/2019 - Rec'd material sample board.

Applicant:

Clarity Credit Union	208-467-6583	Wendy@ClarityCU.com
Name	Phone	Email
1822 North Midland Blvd	Nampa, Idaho	83651
Mailing Address	City, State	Zip

Representative:

Greg Toolson	208-463-9295	gtoolson@jgt-architecture.com
Name	Phone	Email
1212 12th Ave. So.	Nampa, Idaho	83651
Mailing Address	City, State	Zip Code

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
- ☐ Rezone
- ☐ Vacate Right-of-Way
- ☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☒ Design Review
- ☐ Preliminary Plat
- ☐ Construction Plans
- ☐ Final Plat

PUBLIC HEARINGS **

- ☐ Special Use Permit
- ☐ Development Agreement
- ☐ Variance
- ☐ Ordinance Amendment

* Public Meetings: individuals have a right to observe at an open meeting.

** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:

Site Address: 3 W. Main Total Acres: .46

Assessor's Tax Parcel No(s): R18169 / R18169010

Crossroads: W. Main & S. Hawthorne

Existing Zoning: C-2 Proposed Zoning: C-2

Floodplain Zone: NO Hillside (grades exceeding 10%): NO

J. Gregory Toolson

Applicant's Printed Name

4-2-19

Date

J. Gregory Toolson
Applicant's Signature



CITY OF MIDDLETON

P O Box 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, Fax: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 150.00 4/3/2019

Application Accepted by: Dawn Taylor

Date Application Accepted: 4/4/2019 material
sample board
received

Checklist - A complete Planning and Zoning Application must include the following.

☒ Application Form

☒ Application Fee (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. \$150 Applicant Initial

☒ Vicinity Map: attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.

☒ Narrative: describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Design review materials and information (design review application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed preliminary plat, drainage calculations, traffic impact study |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed construction drawings (construction plans application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed final plat (for final plat application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed development agreement |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Worksheet (for special use permit or variance only) |

☒ Proof of Ownership or Owner's Consent: attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.

☒ Property Boundary Description including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.

NA ☐ Neighborhood Meeting: If applicable, attach original sign-up sheet.

NA ☐ Mailing Labels: Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.

☒ Complete Application (City use only: check box and initial if Application is complete): D Taylor 4-8-2019



April 3, 2019

City of Middleton
Attn: Planning and Zoning Department
PO Box 487
Middleton, ID 83644

Re: Clarity Credit Union Design – 0 & 3 W Main St

To Whom It May Concern:

Clarity Credit Union is authorizing K2 Construction and JGT Architecture to present an application and design on our behalf for a new building on our current property.

Thank you for your consideration of our request. If you have additional questions they can be posed to K2 Construction, JGT Architecture, or to me directly at (208) 318-0440.

Sincerely,

A handwritten signature in black ink, appearing to read "W Edwards", written over a horizontal line.

Wendy Edwards
President/CEO



jgt architecture

April 2, 2019

Planning and Zoning Department
Middleton, Idaho

RE: Narrative Letter
Design Review Application
New Clarity Credit Union

To Whom It May Concern:

Clarity Credit Union is proposing to build a new credit union facility at their current location at 3 W. Main street in Middleton. The new facility is 2,480 s.f. and will be located at the SE corner of the existing property. The new facility will be designed and oriented to utilize the existing drive-thru lanes and canopy structure. The project will be phased to allow Clarity to remain open at the current building until the new building is constructed and opened. At that time, the existing facility will be removed and replaced with landscape and a pedestrian inviting corner. The majority of all existing site improvements will be removed and replaced with new to include paving and landscape. The new facility will be designed to match Clarity's corporate exterior and interior design prototype. The exterior will incorporate durable low maintenance materials with a variety of colors and textures to give the new facility a professional and modern appearance. Traffic circulation in and around the property will be improved from the existing site layout with convenient consolidated parking to the building and utilizing the existing access points from both roads. The Clarity Credit Union project will complement the downtown district and will contribute to the progressive and growing community of Middleton.

We thank you for your consideration on this matter.

Sincerely Yours,

J. Gregory Toolson
JGT Architecture PA

1212 12th avenue south . nampa . idaho 83651
phone: (208) 463-9295 . fax: (208) 463-9299
email: jgt@jgt-architecture.com



DATE: _____ TYPE: **WL2**

NAME: _____

PROJECT: **CLARITY EMMETT**

CLARITY MIDDLETON

Compact fluorescent

P5982-97

Pedigree

Cast pyramidal black and fluted uprights. Energy efficient die-cast aluminum, durable powder coat finish and etched seeded glass. One-light large wall lantern.

Category: Outdoor

Finish: Autumn Haze (powder with liquid top coat)

Construction: Aluminum

Glass: Etched seeded glass curved panels



Width: 11-1/2"
Height: 16-1/2"
Depth: 13-1/2"
H/CTR: 5-3/4"

MOUNTING	ELECTRICAL	LAMPING	ADDITIONAL INFORMATION
<p>Wall mounted</p> <p>Mounting strap for outlet box included</p> <p>Back plate covers a standard 4" hexagonal recessed outlet box</p> <p>5-1/2" W., 10-1/2"</p>	<p>Pre-wired</p> <p>6" of wire supplied</p> <p>120V</p>	<p>Quantity: 1</p> <p>26W GU-24</p> <p>GU24 socket</p>	<p>cCSAus Wet location listed</p> <p>1 year warranty</p> <p>Companion Chain hung lantern, Post top lantern, Wall lantern fixtures are available</p>

INSTRUMENT No. 200105629

PC36837

WARRANTY DEED

FOR VALUE RECEIVED Dee L. Bowen and Judith A. Bowen, husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Idadiv Credit Union

the Grantee, whose address is P.O. Box 500 Nampa 83653

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2001 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: February 12, 2001

Dee L. Bowen
Dee L. Bowen

Judith A. Bowen
Judith A. Bowen

STATE OF IDAHO

COUNTY OF CANYON

On this 14th day of February in the year 2001, before me, a Notary Public, personally appeared Dee L. Bowen and Judith A. Bowen known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Kimberly A. Compton
Notary Public
Residing at Wilder
My commission expires 1-27-05



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

PC 36837

Exhibit "A"

PARCEL I

A portion of Lots 1 and 2, Block 1, LESTER A. WALLACE ADDITION, Middleton, Canyon County, Idaho, according to the plat filed in Book 5 of Plats, Page 47, records of said County, described as follows:

BEGINNING at the Northeast corner of Lot 1, Block 1, LESTER A. WALLACE ADDITION; thence

South a distance of 50 feet; thence

West a distance of 67 feet; thence

North a distance of 50 feet to the North boundary of Lot 2, Block 1; thence

East a distance of 67 feet to the POINT OF BEGINNING.

PARCEL II

A part of Lots 1 and 2, Block 1, LESTER A. WALLACE ADDITION, Middleton, Canyon County, Idaho, according to the plat filed in Book 5 of Plats, Page 47, records of said County, more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 1; thence

South 89° 41' 08" West (of record as South 89° 40' West) a distance of 67 feet along the South boundary of said Lots 1 and 2; thence

North 0° 16' 00" East (of record as North 0° 20' West) a distance of 79.45 feet parallel with the East boundary of Block 1; thence

North 89° 38' 40" East (of record as North 89° 40' East) a distance of 67 feet parallel with the North boundary of said Lots 1 and 2; thence

South 0° 16' 00" West (of record as South 0° 20' East) a distance of 79.50 feet along the East boundary of said Lot 1 to the POINT OF BEGINNING.

REQUEST PIONEER - CALDWELL
TYPE *Hand* FILE *600*

BY *[Signature]*
G. NOEL HALE
COUNTY RECORDER

11 FEB 15 PM 4 31

RECORDED

200105629



ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Clarity Credit Union

SUMMARY OF APPLICATION

An application by Clarity Credit Union for a Design Review Permit to construct a new building at the southeast corner of the same lot the existing Clarity Credit Union is on, retain and use the existing public road accesses and drive-through facilities, and demolish the existing building to provide off-street parking. The subject property is located at the southwest corner of State Highway 44 and Hawthorne Avenue, Middleton, Idaho.

Applicant: Clarity Credit Union
1822 North Midland Blvd.
Nampa, Idaho 83651

Representative: Greg Toolson
Jgt Architecture
1212 12th Avenue South
Nampa, Idaho 83651

1. **APPLICATION:** The application was accepted by the City on April 4, 2019.
2. **APPLICABLE CODES AND STANDARDS:** Middleton City Code (MCC) 1-15-8
3. **PLANNING AND ZONING REVIEW COMMENTS:**

A. Clarity Credit Union is an existing business located at 3 W. Main Street, Middleton, Idaho. The subject property is zoned C-2, Community Commercial, and a credit union is an allowed use in that zone.

B. Design review is required for all nonresidential structures and residential structures containing more than three (3) residences (MCC 1-15-8-1). The purpose of

design review is to maintain and enhance aesthetics and ornament of new commercial, industrial and public buildings in the city, and to protect and promote the economic base and general welfare of the community.

C. A traffic study is not required since the business already exists at that site.

D. Each building should contain three or more of the following design-review elements: A-frame or gable, some stucco, brick or rock, vertical or horizontal steel siding or roofing, some timber work, and a public art feature.

4. CONCLUSION

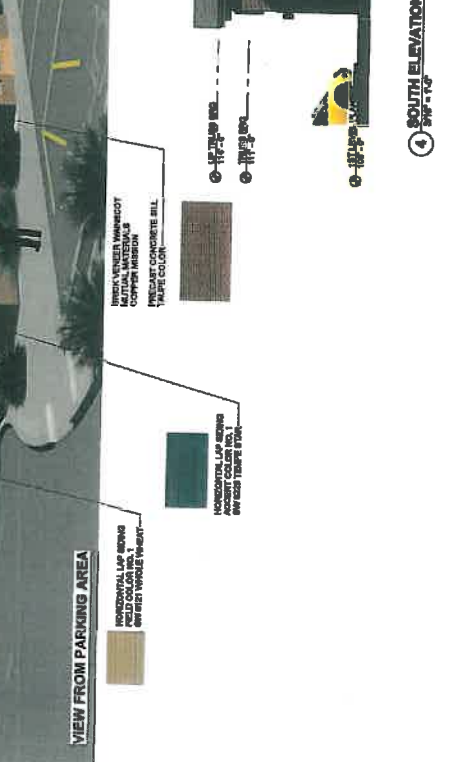
All required application materials were received. Building colors and materials are compatible with the townscape, surrounding neighborhoods and adjoining structures. The proposed new building includes A-frame, brick with a cultured-stone cap, and aluminum storefront framing; it does not include some timer work or a public art feature.

Off-street parking requirements, and vehicle and pedestrian traffic circulation, including marked Americans with Disabilities parking space(s), comply with city code.

This nonresidential building, if constructed as proposed, complies with Middleton's design review standards.

 Drafted by: Darin Taylor
Date: April 5, 2019

1 SITE / LANDSCAPE PLAN
1" = 10'-0"



CLARITY CREDIT UNION
MIDDLETON, IDAHO

Clarity Credit Union
Middletown, Idaho

Clarity Credit Union
Middletown, Idaho

Clarity Credit Union
Middletown, Idaho



Clarity Credit Union
Middletown, Idaho

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